

APPENDIX

TO THE HISTORY OF THE FOURTEENTH CONGRESS.

[SECOND SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

SWEDEN AND NORWAY.

[Communicated to the Senate, December 13, 1816.]
To the Senate of the United States :

A Treaty of Commerce between the United States and the King of Sweden and Norway having been concluded and signed on the 4th of September last by their Plenipotentiaries, I lay the same before the Senate for their consideration and advice as to a ratification.

JAMES MADISON.

WASHINGTON, Dec. 13, 1816.

In the name of the most Holy and Indivisible Trinity :

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, commerce between the two States upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named to this end Plenipotentiaries, and have furnished them with the necessary full powers to treat, and, in their name, to conclude a treaty, to wit: The President of the United States Jonathan Russell, a citizen of the said United States, and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway His Excellency the Count Laurent d'Engestrom, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, knight commander of the orders of the King, knight of the orders of St. Charles XIII., grand cross of the orders of St. Etienne of Hungary, of the Legion of Honor of France, of the Black Eagle and of the Red Eagle of Prussia; and the Count Adolphe George de Morner, his Counsellor of State, and commander of the order of the Polar Star; and the said Plenipotentiaries, after having produced and exchanged

their full powers, found in good and due form, have agreed on the following articles:

ARTICLE 1. There shall be between all the territories under the dominion of the United States of America and of His Majesty the King of Sweden and Norway a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound alone to conform to the laws and statutes of the two countries, respectively.

ART. 2. No other or higher duties, imposts, or charges whatsoever shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture of any other country. The same principle shall likewise be observed in respect to exportation in such manner, that in each of the two countries, respectively, the articles which shall be exported for the other cannot be charged with any duty, impost, or charge whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article the growth, produce, or manufacture of the territories of His Majesty the King of Sweden and Norway,

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or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their country, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or cargoes, any other or higher duties, imposts, or charges whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, *vice versa*, the vessels of the United States arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

That which is here above stipulated shall also extend to the Swedish colony of St. Bartholomew, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States; provided the owners are inhabitants of St. Bartholomew, are there established and naturalized, and shall have there caused their vessels to be naturalized.

ART. 3. His Majesty the King of Sweden and Norway agrees that all articles the growth, produce, or manufacture of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from the said Indies, may likewise be imported into its territories in vessels of the United States; and there shall not be paid, either for said vessels or the cargoes, any higher or other duties, imposts, or charges whatsoever than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ART. 4. The United States of America, on their part, agree that all articles the growth, produce, or manufacture of the countries surrounding the Baltic sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly from the Baltic, may likewise be imported into the United States in Swedish or

Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other with a cargo consisting partly of articles the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed, that in case a cargo should be thus mixed, the vessel shall always pay duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

ART. 5. The high contracting parties grant mutually the liberty of having, in the places of commerce and ports of the other, consuls, vice-consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that, in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said consul, vice-consul, or agent, may be either punished according to law, dismissed, or sent away by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood that the archives and documents relative to the affairs of the consulate shall be protected from all examination, and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

The consuls or their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are intrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained; it being, nevertheless, understood that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

ART. 6. In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, and manufacture of the contracting parties, respectively, it is agreed, that whatever the chief or intendant of the customs shall have designated and specified as such, in

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the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.

The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated, to obtain for them admission into the ports of the United States accordingly.

ART. 7. The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or, being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges whatsoever on the vessels or cargo, excepting only the dues of pilotage, (when a pilot shall have been employed,) or those of quayage, or light money, whenever those dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which they may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs, in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

ART. 8. It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessels take away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted

to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

ART. 9. The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot which are enjoyed by the most favored nations in the same ports.

ART. 10. In case any vessel belonging to either of the two States, or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day by the owners or their attorney, shall be restored, on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective Governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

ART. 11. It is agreed that vessels arriving direct from the United States at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes: *Provided, always,* That there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected or suspected that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

ART. 12. The Treaty of Amity and Commerce concluded at Paris, in 1783, by the Plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is

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contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same Plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word: *Provided, nevertheless*, That the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ART. 13. Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade; but vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ART. 14. The present treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

JONA. RUSSELL,
LE COMTE D'ENGESTROM,
LE COMTE A. G. DE MORNER.

NEUTRAL OBLIGATIONS.

[Communicated to Congress, December 26, 1816.]

*To the Senate and House of
Representatives of the United States:*

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace towards belligerent parties, and other unlawful

acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit.

JAMES MADISON.

DECEMBER 26, 1816.

[The following documents, relating to the subject referred to in the above Message, were laid before the House of Representatives, by Mr. Forsyth, Chairman of the Committee on Foreign Relations.]

Mr. Forsyth to the Secretary of State.

JANUARY 1, 1817.

SIR: I am instructed by the Committee of Foreign Relations to inquire what information has been given to the Department of State of violations, or intended violations, of the neutral obligations of the United States to foreign Powers, by the arming and equipment of vessels of war in our ports; what prosecutions have been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted have been discharged, in consequence of the defects of the laws now in force; and the particular provisions that have been found insufficient, or for the want of which persons deserving punishment have escaped.

I have the honor to be, &c.

JOHN FORSYTH,

Chairman Com. Foreign Relations.

HON. JAMES MONROE.

Secretary of State to Mr. Forsyth.

DEPARTMENT OF STATE,
January 6, 1817.

SIR: Having communicated to you, verbally, the information asked for by your letter of the 1st instant, except so far as relates to the last inquiry it contains, I have now the honor to state, that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be—

1st. That they should be laid under bond not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of

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war, applicable to the equipment and armament of such vessels, subsequent to their departure.

2d. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law: the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this above suggested. (See particularly the eleventh section of the act of Congress of April 25, 1808.)

The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive, where there is reason to suspect an intention to commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after the trial, to the penalty denounced. I have the honor to be, &c.

JAMES MONROE.

Hon JOHN FORSYTH,
Chairman Com. Foreign Relations.

Secretary of State to Mr. Forsyth.

DEPARTMENT OF STATE,
January 10, 1817.

SIR: In addition to the letter which I wrote to you on the 6th, in reply to the one which you wrote to me on the 1st instant, I have the honor to state, that information has been received at this Department, from various sources, that vessels have been armed and equipped in our ports for the purpose of cruising against the commerce of nations in amity with the United States, and no doubt is entertained that this information was in some instances correct. The owners of these vessels have, however, generally taken care so to conceal these armaments and equipments, and the objects of them, as to render it extremely difficult, under existing circumstances, to prevent or punish this infraction of the law. It has been represented—

1st. That vessels belonging to citizens of the United States, or foreigners, have been armed and equipped in our ports, and have cleared out from our custom-houses, as merchant vessels; and, after touching at other ports, have hoisted the flag of some of the belligerents, and cruised under it against the commerce of nations in amity with the United States.

2dly. That in other instances, other vessels, armed and equipped in our ports, have hoisted such flags after clearing out and getting to sea, and have, in like manner, cruised against the commerce of nations in amity with the United States, extending their depredations, in a few cases, to the property of citizens of the United States.

3dly. That in other instances, foreign vessels have entered the ports of the United States, and, availing themselves of the privileges allowed by

our laws, have, in various modes, augmented their armaments, with pretended commercial views; have taken on board citizens of the United States, as passengers, who, on their arrival at neutral ports, have assumed the character of officers and soldiers in the service of some of the parties in the contest now prevailing in our southern hemisphere.

Information, founded upon these representations, has from time to time been given to the attorneys and collectors of the respective districts in which the armaments are stated to have been made; but, from the difficulty of obtaining the necessary evidence to establish facts on which the law would operate, few prosecutions have been instituted.

In reply to your second inquiry, I beg leave to refer to the communication from the Secretary of the Treasury to the Committee of Ways and Means, during the last session of Congress, in the case of the "American Eagle," and to the papers enclosed herewith. I have the honor to be, &c.

JAMES MONROE.

Hon. JOHN FORSYTH,
Chairman Com. Foreign Relations.

Extract of a letter from John Dick, Esq., Attorney of the United States for the district of Louisiana, to the Secretary of State, dated

MARCH 1, 1816.

Attempts to violate the laws, by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent; but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery, and almost suspicion; or where carried on at some remote part of the coast, beyond the reach of detection or discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and labelled under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe, our neutrality, in aid of the Governments of New Spain, and in which vessels have been seized and labelled, under the act of the 5th of June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than anything else can, how totally without foundation are the com-

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plaints, and how misplaced are the assertions of the Minister of Spain on this head.

The names of the individuals prosecuted in the district court of the United States for the Louisiana district, during the year 1815, for violating, or attempting to violate, the neutrality of the United States, in aid of the Governments of the United Provinces of New Grenada, and of the United Provinces of Mexico.

José Alvarry Toledo,	Romain Very,
Julius Cæsar Amigone,	Pierre Lameson,
Vincent Gambie,	Bernard Bourden.
John Robinson,	

List of vessels libelled for illegal outfits of the same Governments during the same period.

Brig Flora Americana, restored.
Schooner Presidente, condemned.
Schooner Petit Melan, condemned.
Schooner General Bolivar, discontinued.
Schooner Eugene, alias Indiana, condemned.
Schooner Two Brothers, restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags and by authority of the Governments of New Grenada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented, within the waters of the United States.

1. Schooner Cometa, restored April, 1815.
2. Schooner Dorada, proceeds restored 16th May, 1815, \$3,050.
3. Schooner Amiable Maria, \$3,850.
4. Schooner Experimento, restored 3d August.
5. The polacre brig De Regla and cargo, proceeds restored 18th December, 1815, \$19,209 50.
6. Schooner Alerta and cargo, being the proceeds of the capture of about eighteen small vessels, restored 18th December, 1815, \$62,150 05.

Damages awarded to the original owners against the captors in the two foregoing cases, \$55,272 99.

7. Cargo of the schooner Petit Melan, restored 1st February, 1816, \$2,444 31.

8. Cargo of the schooner Presidente, 1st February, 1816, \$10,931 15.

9. Schooner Sante Ritor and cargo, restored 1st February, 1816, \$37,962 94.

The preceding account of Spanish property restored to the original proprietors, after being in the possession of the enemies of Spain, is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined. The very hasty manner in which I have made this communication did not admit of a more accurate statement. The principal cases, however, are included in it.

In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed, because it did not appear that any violation of our neutrality had taken place. The capturing vessels were not armed, nor was their force augmented within our jurisdiction, nor had the captures been made within

a marine league of our shore. The principles that guided the decisions of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to, and an exercise of, the most rigid neutrality between the parties.

If the whole of this letter is not an act of supererogation, to dwell longer upon those parts of the correspondence of the Chevalier De Onis which relate to Louisiana would at least be so considered.

Mr. Glenn to the Secretary of State.

BALTIMORE, Sept. 7, 1816.

SIR: Immediately upon the receipt of your letters of the 16th of August, I obtained from the collector of this port an affidavit, stating that Thomas Taylor had, in April last, sworn that he was a citizen of the United States, and, as such, had cleared out the schooner Romp, which vessel the collector also declared, on oath, he believed to have cruised against the vessels of the King of Spain since that time. Upon which affidavit, an intelligent justice of the peace of this city, well disposed, upon the score of political feeling, to do as much as justice required towards the punishment of Taylor for his conduct, issued a warrant, by virtue of which Taylor was arrested. Upon its return, I appeared before the justice, (whose name is John Dougherty,) and presented all the documents which were sent to me in company with your letter, which were read and received as evidence by him. I also caused a sailor, who had served on board the Romp, and who was at that time in hospital at this place, to be summoned, as also the editor of the "American" newspaper, in which Taylor's letter had appeared, bearing date at "Baltimore, the 10th of July, 1816;" all of whom were examined, on oath, before the justice. The sailor was cautioned not to criminate himself, upon which he refused to answer any question. Mr. Murphy, one of the editors of the American, declared, on oath, that he had no authority whatever from Taylor to publish the letter which bore his signature, but that he had taken the same, of his own accord, as an article of intelligence, from a newspaper printed in Charleston. I was not, you will perceive, in the slightest degree assisted in my case by the examination of these witnesses. I, however, urged before the justice that the depositions laid a sufficient ground of probable cause of suspicion against Taylor, when connected with the affidavit of the collector. I also produced some authority to show that Taylor ought to be committed. Whereupon the justice desired until yesterday morning to consider upon the case, and requested that the marshal might be present at the time of his decision, which accordingly took place. The justice has, notwithstanding all these circumstances, actually discharged Taylor, upon the ground, as he states, that he could not find there was any probable cause to believe he was concerned with, or advised Squire Fisk, to com-

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mit the acts of piracy which were committed by him on his late cruise, and as Taylor never was on board the *Romp* from the time she left Baltimore. Thus ended this case, as far as I have gone.

Judge Houston will be here in one or two days to hold a district court. Upon his arrival, I shall lay all the proofs before him, and claim from him a warrant, which I presume he will grant without hesitation, the issue of which shall be communicated to you without delay.

As the editors of the *American and Patriot* tell me they copied the letter written by Taylor, bearing date the 10th of July, 1816, from the Savannah Republican or the Charleston Patriot, unless I can procure the testimony of one of these editors to prove that Taylor actually gave them that letter for publication, I do not see how he is to be implicated criminally with Fisk. If Judge Houston should take cognizance of the case, I will, at all events, be glad to have the witnesses who were examined in Virginia here on the 7th of November next, to give evidence before the grand jury which will be summoned to attend the circuit court.

In this case, there are a variety of circumstances tending to show Taylor's co-operation with, and assistance to, Fisk; but none, I fear, sufficiently conclusive to convict him, unless we can prove the authenticity of his letter of instructions, which can only be done by procuring his orders to publish his last letter, which admits the authenticity of the first.

I enclose to you four letters which have been lately received by me from the Spanish Consul here, as also my answer to them. I shall be happy to hear that I have, in all these affairs, acted in such a manner as to meet your approbation.

I have the honor, &c.,

ELIAS GLENN.

HON. JAMES MONROE,
Secretary of State.

GREAT BRITAIN—DEPORTATION OF
SLAVES.

[Communicated to the Senate, February 7, 1817.]
To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 28th of last month.

JAMES MADISON.

FEBRUARY 7, 1817.

DEPARTMENT OF STATE, Feb. 5, 1817.

The Secretary of State, to whom has referred the resolution of the Senate of the 28th of last month, requesting the President to cause to be laid before the Senate such information as he may possess touching the execution of so much of the first article of the late Treaty of Peace and Amity between His Britannic Majesty and the United States of America as relates to the resti-

tution of slaves, has the honor to submit to the President the accompanying papers, marked A, B, C, D, and E, as containing all the information in this department supposed to be called for by the said resolution.

All which is respectfully submitted.

JAMES MONROE.

A.

Extract of a letter from the Secretary of State to Mr. Adams, dated

MAY 11, 1815.

I am sorry to have to state that the British naval commanders have construed the stipulation in the treaty not to carry off with their forces the slaves whom they had taken from our citizens differently from this Government. My correspondence with Mr. Baker, of which a copy is enclosed, will show the ground of this difference, which appears to be so decidedly in favor of the United States, that it has excited surprise that it should have existed; and still greater that the British officers should have acted on their construction, by removing the slaves in question. Mr. Baker makes a distinction between the slaves who were in British ships-of-war in our waters, and those who were in the posts held by their forces at the time of the exchange of the ratifications of the treaty, but I think without reason. It seems to have been the intention of the parties, and to be the clear import of the article, that they should carry off no slaves that were then within our limits. They were as much in the possession and under the authority of the British commanders in the forts, or other places held by their troops on the land, as in their vessels. It was as much a carrying away in the one instance as in the other; and the injury to the proprietors of the slaves was the same. In short, I see no ground for such a distinction. The United States have a right either to the restitution of all these slaves, or to compensation for their loss. I shall forward to you, without delay, a list of those thus removed, with an estimate of their value; the payment of which, if the slaves themselves are not restored, you will claim of the British Government.

[Enclosed in the preceding.]

The Secretary of State to Mr. Baker, Chargé d'Affaires of His Britannic Majesty.

APRIL 1, 1815.

SIR: I regret to have to state that the commanders of His Britannic Majesty's naval forces in the Chesapeake, and on Cumberland island, and other islands off the southern coast, have construed the stipulation in the first article of the Treaty of Peace, lately concluded between the United States and Great Britain, very differently from what is thought to be a just construction of it by this Government. They comprise slaves, and other private property, under the same regulation with artillery, and other public property, and contend that none ought to be restored ex-

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cept such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken.

By the first article of the treaty it is stipulated "that all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property."

A very obvious distinction exists between private and public property; and there may be a strong and obvious motive for destroying the one, when there can be none for destroying the other. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and munitions of war in them; but it is believed that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between public and private property in a guarded manner. All territory, places, and possessions, with a particular exception, shall be restored, without destroying or carrying away any of the artillery or other public property originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far the stipulation acts upon proper subjects, and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other public property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence, after "slaves and other private property." In that case, both interests, the public and the private, would have been subject to the same restraint. But, by separating them from each other, and putting the restrictive words immediately after "artillery and other public property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

Other consequences, equally inconsistent with the spirit and equity of the article, would follow from the construction given of it by the British naval commanders. If the slaves and other private property are placed on the same footing with artillery and other public property, the consequence must be that all will be carried away. It is believed that none of the slaves were taken in forts or other places where the British troops happened to be at the exchange of the ratifications

of the treaty. By far the greater number, if not the whole, were taken from proprietors inhabiting the country bordering on the bays and rivers which empty into the Atlantic. As this fact was well known to the Commissioners of both nations, it furnishes a conclusive argument against the construction contended for by the British naval commanders. It cannot be believed that the Commissioners would have agreed to a stipulation which they respectively knew would produce no effect.

In supposing that all the slaves would be carried away under the construction given to this article by the British and naval commanders, I have considered the term "place," in a qualified sense, synonymous with "fort," as a military station, taken by the British forces and held by them at the peace. But if it is construed in a more enlarged sense, such as the country from which the slaves were taken, none could be carried away even under that construction. That it must be construed in this enlarged sense, if applicable to slaves and other private property, is obvious from the consideration that the act of taking them removed them from the places where they were taken.

The stipulation in this article, in relation to the point in question, by a fair and just construction, appears to me to amount to this: that each party shall restore, without delay, all the territory, places, and possessions, which had been taken by it, with the exception of certain islands; that neither shall destroy or carry away artillery or public property, provided they be, at the time of the exchange of ratifications, in the forts or places in which they were originally captured; that neither shall carry away slaves or other private property. The restraint provided against the carrying away of the latter is evidently connected with the great object of the article, the restoration of territory, places, and possessions, and not with forts and places, in the qualified sense suggested: in which sense it applies to artillery and other public property only, the ordinary and proper appurtenances of forts and other military posts.

From every view which I have been able to take of this subject, I am of opinion that the United States are entitled to all the slaves and other private property which were in the possession of the British forces, within the limits of the United States, on the exchange of the ratifications of the treaty, whether they were in forts or British ships of war.

Presuming that your Government has instructed you upon this subject, and that it concurs in this construction of the article, I flatter myself that you will give directions to the British naval commanders not to carry away any of the slaves and other private property which may thus be fairly claimed by the United States.

I have the honor to be, sir, your most obedient servant,

JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq., &c.

*Great Britain—Deportation of Slaves.**Mr. Baker to Mr. Monroe.*

WASHINGTON, April 3, 1815.

SIR: I have had the honor to receive your letter of the 1st instant, stating that the commanders of His Majesty's naval forces have given a different construction to that part of the first article of the Treaty of Peace lately concluded between the two countries which relates to the restoration of slaves and private property from what is thought by the American Government to be its just construction, by making the restriction annexed to the restoration of artillery and public property likewise apply to slaves and private property; at the same time expressing your opinion that the United States are entitled to all the slaves and other private property in possession of the British forces within the limits of the United States on the exchange of the ratifications, whether they were in forts or British ships of war, and requesting, under the supposition that His Majesty's Government concurred in this construction of the article, and had furnished me with instructions accordingly, that I would give directions to the naval commanders not to carry away any of the slaves so claimed by the United States.

As I have not received any communication on the subject from the commander-in-chief on the American station, by whose orders the several naval commanders have, no doubt, been guided, I am unacquainted with the grounds on which he rests his interpretation of the words of the first article of the treaty. It is, however, not improbable that he may have imagined that it could not have been intended by the Plenipotentiaries of the two countries that there should be a general prohibition against carrying away from the places restored all private property of every description, and to whomsoever belonging, found therein on the exchange of the ratifications; and that, therefore, as some limitation must have been contemplated in the case of private as well as public property, the restriction attached by the words immediately preceding to the latter, was likewise applicable to the former.

I regret to find that, by the view taken of this part of the first article, the Government of the United States claims the negroes, originally American, on board the British ships of war which happened to be within the limits of the United States at the time of the exchange of the ratifications, as I do not conceive that it can be satisfactorily shown that this construction is sanctioned by the words of the article; and I have no hesitation in stating my belief, founded on the best means of information, that, at the time the article was framed, it was meant that the prohibition against carrying away slaves and private property should be taken in connexion with the restoration of territory, places, and possessions; and that if it had been supposed by His Majesty's Plenipotentiaries at Ghent that the words were susceptible of the construction now given to them, and that a claim would be founded upon them for the delivering up of persons who had sought refuge during the

war on board of British ships, their insertion would have been decidedly objected to, and others proposed.

Not being, however, in possession of any instructions from my Government upon this subject, the only step which it is in my power to take in relation to it is to transmit to England, and to the naval commander-in-chief on this station, copies of your letter; and I have no doubt that the reasoning contained in it will, in the most perfect spirit of amity, be duly and considerately examined, with the sincere desire to give that interpretation to the article in question which may be most consonant to justice and to its true and fair meaning.

I have the honor to be, &c.,

ANTHONY ST. JOHN BAKER.

HON. JAMES MONROE, &c.

B.

Mr. Graham to the Secretary of State.

CITY OF WASHINGTON, Feb. 28, 1815.

SIR: I now enclose a copy of the correspondence between the Commissioners appointed on the part of the United States to receive and make the necessary arrangements respecting the public and private property in possession of the British forces within the Chesapeake bay, to be given up under the first article of the Treaty of Peace between the United States and Great Britain, and Captain John Clavelle, commanding the British forces in the Chesapeake bay.

In pursuance of the arrangements therein made, Colonel Bayly has remained to take an inventory of the property and slaves, and to endeavor to ascertain, as far as practicable, to whom they belong.

I have the honor to be, &c.,

GEORGE GRAHAM.

HON. JAMES MONROE.

Messrs. Bayly, Graham, and Skinner, to Mr. Clavelle.

SCHOONER ADELINÉ,

Chesapeake Bay, Feb. 23, 1815.

SIR: The undersigned Commissioners appointed on the part of the United States to receive and make all necessary arrangements concerning the property which may be in the possession of the forces of His Britannic Majesty in the Chesapeake, or on the shores or islands thereof, and which is to be delivered up and restored, agreeably to the first article of the Treaty of Peace and Amity between the United States and His Britannic Majesty, concluded and signed at Ghent, on the 24th day of December, 1814, have the honor to inform you, that, having exhibited to you their powers, they are now ready to proceed to execute the trust reposed in them; and they take this occasion to observe, that, under the stipulations of the first article of the said treaty, all slaves, and other private property, which may now be in possession of the forces of His Britannic Majesty within the Chesapeake, are claimed

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to be delivered up forthwith, and that all such as may have been removed since the 17th instant, (the day on which the exchange of the ratifications of the treaty took place,) are claimed to be restored with all convenient despatch.

We have the honor to be, &c.,

THO. M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Captain JOHN CLAVELLE,
Com'r of H. B. Majesty's forces.

Mr. Clavelle to Messrs. Bayly, Graham, and Skinner.

H. M. SHIP ORLANDO,
In the Patuxent, Feb. 23, 1815.

GENTLEMEN: I have just had the honor of receiving your communication of this day's date, stating that you are appointed, on the part of the United States, to receive and make all necessary arrangements concerning the property which may be in possession of the forces of His Britannic Majesty in the Chesapeake, or on the shores or islands thereof, agreeably to the first article of the Treaty of Peace between His Britannic Majesty and the United States; and in reply I beg to state, that I understand the first article of the treaty, relative to private and public property, thus, viz: all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may have been taken after the signing of this treaty, excepting only the islands hereafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public stores, or any slaves, or other private property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratification of this treaty.

As none of the slaves now in Tangier were captured there, I cannot feel myself at liberty to deliver them up; far less can I give up those now serving on board His Britannic Majesty's ships, as by entering into the service they made themselves free men. I shall, however, give directions that the whole of those on board the different ships, of every description, shall be discharged into this ship until I receive instructions from Rear Admiral Cockburn, to whom I shall immediately despatch a vessel.

I have the honor to be, &c.,

JOHN CLAVELLE.

To. Messrs. BAYLY, GRAHAM, and SKINNER.

Messrs. Bayly, Graham, and Skinner to Mr. Clavelle.

SCHOONER ADELINE,
Chesapeake Bay, Feb. 23, 1815.

SIR: We have the honor to acknowledge the receipt of your reply to our communication of this date, and regret to find that you do not feel yourself at liberty to deliver up all slaves and other private property of the citizens of the United States, which came under your control previously or subsequently to the date of the exchange of the ratifications of the treaty concluded

by the Commissioners on the part of the United States and Great Britain, and still remaining within the Chesapeake, or on the shores or islands thereof.

As, however, you have put a construction upon the first article of the treaty, which, in our estimation, the terms do not warrant, and difficulties have arisen in the execution of our trust which were not anticipated, it becomes our duty to ask your co-operation in taking, for the mutual satisfaction of our respective Governments, an inventory of all slaves and other private property within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of His Britannic Majesty's forces; that the difference of construction placed upon the first article of said treaty may be satisfactorily adjusted, and its stipulations executed in good faith. We are further satisfied you will perceive the propriety of furnishing us, for the information of the proper authorities, as far as the means in your power may render it practicable, with an account of all slaves and other private property of citizens of the United States, which may have been removed from the Chesapeake, or any of the shores or islands thereof, since the date of the ratification of the treaty; and, in like manner, with an account of all artillery or other public property, if any, which was, on the date of the ratification of the said treaty, or which may still remain within the forts or places where the same was originally captured.

We have the honor to be, &c.

THOMAS M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Capt. JOHN CLAVELLE,
Commander H. B. M.'s forces, &c.

Mr. Clavelle to the American Commissioners.

H. B. M. SHIP ORLANDO,
In the Patuxent, Feb. 24, 1815.

GENTLEMEN: In reply to your communication of yesterday's date, which I had the honor of receiving last evening, I beg to state, that I do conceive the terms of the first article of the Treaty of Peace between His Britannic Majesty and the United States, do admit of the construction I put on it yesterday in my note to you, and not at all applicable to the slaves now on Tangier island, or those on board His Britannic Majesty's ships under my command, now in the Chesapeake, they not having been captured "there." But, in order that every thing may be perfectly understood, and properly arranged hereafter, I shall be most happy to meet your wishes for the mutual satisfaction of our respective Governments, by ascertaining and taking an inventory of all slaves, and other private property of the citizens of the United States, within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of His Britannic Majesty's forces.

I further state, for your information, that no slaves, or other private property, have been removed from the Chesapeake, or any of the shores or islands thereof, since the exchange of the rati-

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fication of the treaty; nor has any artillery or other public property.

As soon as the weather is fine I shall proceed to Tangier, for the purpose of assisting you in taking an inventory of the slaves, which I certainly cannot think of giving up until I receive instructions on that head, conceiving they do not come within the limits of the first article of the treaty.

I have the honor to be, &c.

JOHN CLAVELLE.

To the AMERICAN COMMISSIONERS.

Mr. Bayly to the Secretary of State.

ACCOMAC, April 18, 1815.

SIR: Yesterday Captain Clavelle, with the Orlando and Madagascar frigates, and schr. Bream, sailed from near Tangier harbor for Bermuda. I enclose to you copies of my last letter to him, and his reply, upon the subject of the slaves and other property, public and private, which ought not to have been carried away.

I have the honor to be, &c.

THOMAS M. BAYLY.

ACCOMAC, April 13, 1815.

SIR: I am informed that you intend to-morrow to leave the Chesapeake bay, with the ships under your command; and I wish to know your determination respecting the restoration of the slaves and other property, public and private, which were captured from the United States, and citizens thereof, during the late war, and which were in the waters of the Chesapeake, and islands thereof, on the day the ratification of the Treaty of Peace and Amity between the United States and Great Britain was exchanged.

You have informed me of your visit to Mr. Baker, Chargé d'Affaires of His Britannic Majesty at Washington, and that you have received from Rear Admiral Cockburn his instructions; I may, therefore, expect your final determination, and I hope that your construction upon the first article of this Treaty of Amity is such, that the slaves and other property contemplated by it will not be carried away.

I have the honor to be, &c.

THOMAS M. BAYLY.

JOHN CLAVELLE, Esq.,
Commanding H. B. M.'s ships, &c.

H. B. M. SHIP ORLANDO,

In the Chesapeake, April 15, 1815.

SIR: In reply to your communication of the 13th instant I beg leave to state, that my determination is not to restore any slaves, private or public property, captured before the exchange of the ratifications of the Treaty of Peace between His Britannic Majesty and the United States, agreeably to my instructions from Rear Admiral Cockburn on that head.

I have the honor to be, &c.

JOHN CLAVELLE.

To T. M. BAYLY, Esq., &c.

C.

Copy of a letter from Thomas M. Newell, Captain of Sea Fencibles, and Thomas Spalding, to Brigadier General Floyd, dated at

SAFEL0 ISLAND, March 16, 1815.

SIR: We left Darien on Sunday, the 5th inst., and arrived at Dungeness at 4 o'clock on Monday. As we observed British troops embarking, and as we believed many slaves and much private property would be sent off with them, we determined to call upon Admiral Cockburn immediately, and to present the letters from General Pinckney and yourself, with our letter of authority. On reading General Pinckney's letter, and discovering that, instead of a copy of the Treaty of Peace from the Secretary of State's office, the National Intelligencer was enclosed, Admiral Cockburn expressed much surprise; and it appeared, from his manner, that his temper was not a little ruffled by the incident. He totally denied the authority of a treaty so communicated to him. After reminding him that the Intelligencer was the State paper of the United States for such purposes, that in England the publication of a treaty in the Gazette would be a proper promulgation of it, and the impossibility that there would be of furnishing to every detached squadron that floated upon the sea any more authenticated copy of a Treaty of Peace than the public papers afforded; these were the ideas brought forward, and this the language, with the exception of its being abridged. Admiral Cockburn still denied our positions, but then proposed to us that we should make a transcript of the treaty; that we should certify it to be a true copy, and should present it to him as such on the part of General Pinckney and yourself. As forms were no object, we assented to this at once. The difficulty having been got over, we thought it proper to enter immediately on the subject-matter of our mission, and requested to know of Admiral Cockburn what public property taken at Point Petre, or at St. Mary's, remained upon Cumberland island, in the ships near Dungeness, or in the ships then lying in the sound, of which there were many; some of these ships taken at St. Mary's, and there loaded with property taken at the same place.

As we had no instructions as to the extent of the restitution we should demand, and were left to our own judgment on the occasion, we determined to adopt the same rule in regard to private property and to slaves that we had adopted in regard to public property. We, therefore, demanded all the slaves and private property, of every description, taken or received at Cumberland island, at St. Mary's, or St. Simon's, and which were then on Cumberland island, or lying in the waters contiguous to the same, on board his ships, or which had been there at the ratification of the Treaty of Peace by the President of the United States; and, in making this demand, we were happy to find that a great portion of the public and private property, and almost all the slaves taken or received since the British forces had been operating in Georgia, came within the limits we had

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prescribed to our demand. To our inquiry as to public property, and our demand as to private Admiral Cockburn at once replied, "he had no public property; that the guns he had removed; the munitions of war he had destroyed;" but if they were there, not having been taken at Cumberland island, which place alone remained in his possession at the ratification of the treaty, they did not come within the operation of the first article of it; that, with regard to slaves and other property, he meant to adopt the same rule; "that the property and slaves taken at Cumberland, and remaining there at the ratification, would be restored; but what were taken or received from other places, although on Cumberland, or in the ships in the river or sound, would not."

It will be understood that we do not here repeat the words, but the substance, of what Admiral Cockburn said, who appeared, during the whole of this conversation, a little warm. Having discovered the construction which Admiral Cockburn was pleased to put upon the treaty, and his manner forbidding a hope of a change of opinion, Mr. Spalding thought it proper to draw his attention to the ships then lying within a hundred yards of the wharf of Dungeness, on board of which it was known some slaves were, by observing to him that the river was taken possession of at the same time that Cumberland was occupied by the British forces; that it was equally in his possession with the soil adjacent on the ratification of the treaty, and would only be restored to the United States the moment he withdrew his forces from Dungeness; that, consequently, under his own rule, the property and slaves on board those ships, originally taken at Cumberland, it was expected would partake of the quality of the property and slaves originally found on Cumberland, and remaining there. To this Admiral Cockburn replied, that wherever the British flag was, there was British territory; and, by way of elucidating his position, demanded of Mr. Spalding whether, if he (Admiral Cockburn) committed a murder on board one of those ships in time of peace, he believed him amenable to the laws of the United States? "No, sir," said he, "I am amenable to my own Government, and to my own sovereign." To this it was replied, he was amenable to his own Government and to his own sovereign as an officer, but he was amenable to the laws of the United States as a man. And it was in turn asked whether he believed, if a murder was committed on board an American ship in the river Thames, the laws of England would not operate upon the murderer? "No, sir." "I, too, sir, have studied the laws of England in my youth, and I think they would." "Then, sir, we are at issue, and it is unnecessary to say more." "If we are at issue, Admiral Cockburn, upon an abstract principle, it is of little importance. Will you please to turn over to the first article of the treaty, and we will see if we can agree upon a practical result?" This conversation is reported in its very words, that you may be possessed of the Admiral's manner of reasoning and mode of thinking at our arrival; and it was closed by observing that we

should address a note to him, which we hoped he would answer as soon as possible; then took our leave. The next day, the 7th instant, we called upon him, and presented a transcript of the treaty, certified by us to be a true copy, which he accepted. We then handed him the following note, (No. 1,) which, after having read, he promised to answer the following morning. And here it is proper to observe, that, at the meeting, and at the many that followed it, Admiral Cockburn was calm, and his manner courteous in a high degree. During the evening of this day we understood that Admiral Sir Alexander Cochrane had arrived, and, consequently, we should not receive any answer to our note until there had been a conference between Admiral Cochrane and himself. At this delay we felt no regret, as we hoped from him, from many causes not necessary to state, a more liberal construction of the treaty. The weather was so bad that it was the 10th before this communication took place, immediately after which Admiral Cockburn transmitted to us the following note, in answer to the one we had addressed him. (No. 2.)

Finding this note was approved of in the margin by Sir Alexander Cochrane, and understanding, and even knowing from our own sight, that he had taken his departure from the coast by the time we had received this note, all attempts at demonstrating the incorrectness of the conclusion drawn by Admiral Cockburn from the first article of the treaty seemed useless; for Admiral Cockburn no longer had the power, if he had the inclination, to correct his first opinion; and we presently understood that even the small return of slaves and property embraced by his construction of the treaty was yielded with some reluctance by Sir Alexander Cochrane. We, therefore, the same evening, addressed to Admiral Cockburn the note that follows. (No. 3.) And, in the conversation which took place after the delivery of this note, it was agreed that orders would be given to restore to the owners any slaves that were received in the British camp or ships after the ratification of the treaty; and, in consequence of this understanding, orders were given to restore some slaves so situated by Admiral Cockburn; but every means were used by the inferior officers to prevent the due execution of these orders, particularly on board the *Regulus*, Captain Robert Ramsay, as we are informed, and as Captain Newell himself was witness to. It was at the same time indicated to us the course which would be pursued with the slaves that had repaired to the British camp or British ships, from Florida, namely: that they should be sent to Bermuda, and there confined in a ship until the decision of the British Administration was taken on their case. We have deemed it proper to communicate this as not unimportant to our own Government and our own citizens.

On the morning of the 11th an answer to our note was received, covering a list of seventy-seven negroes, a few bales of cotton, and a few horses and cattle, which were to be restored, as having been originally taken at Cumberland island, and

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having remained there at the ratification of the treaty. (No. 4.)

In order to place the matter in a proper light, we the same day transmitted the following answer, which closed our joint correspondence with the Admiral. (No. 5.)

And here it is necessary, for understanding the last clause of our letter, to state what led to it. Mr. Spalding had suggested to Admiral Cockburn, after every other means had failed, his giving permission to claimants to go on board his ships in the offing, to obtain the voluntary return of their slaves; this he assented to with great willingness. He sent an officer with them, and, in the presence of ourselves, gave the most positive instruction to the officer to have every facility afforded them. This produced a return of thirteen slaves; six of Captain Wyll's, five of Mr. Couper's, one of Major Butler's, and one of Major Johnston's; and would have produced the return of hundreds, if it had not been for the means employed by the inferior officers to prevent their return. On the morning of the 13th instant, the British flag was struck at Dungeness, and, having consulted with the many respectable gentlemen with us as to the necessity of the occasion, we called upon Captain Massias for an officer and twenty-five men to be sent to Dungeness, to prevent, as far as possible, fugitive slaves still joining the British ships that were yet in the offing, and were to remain so for two or three days.

Mr. Spalding then addressed the following letter to Admiral Cockburn, and followed Captain Newell, who had already taken his departure. (No. 6.)

Having thus, sir, closed the mission with which we were charged by General Pinckney and yourself, it is important, in our opinion, that we should observe to you that, on our arrival at Dungeness, on the 6th instant, the United States' barge taken at St. Mary's was at the wharf, but was removed that evening; and we also understood that most of the cannon taken at Point Petre were removed, subsequent to the ratification of the treaty, from Cumberland. Five or six hundred negroes, brought from St. Simon's as late as the 15th February, were at Cumberland long after the ratification, and many of them sent off in the night of the day after our arrival.

In conversation with Mr. Spalding, it was admitted by Admiral Cockburn that Major Kinsman, of the marines, had continued to enter fugitive slaves into the colonial and West India regiments, after notice of the ratification of the treaty, and until he (Admiral Cockburn) had given written orders to the contrary.

Accompanying this letter, you will receive a list of such slaves as their masters have returned to us. From Mr. Hamilton, who lost two hundred and twenty odd, and from Major Butler, who lost one hundred and thirty, and from many others, whom the terror of the times had driven away, we have no returns. Nor is it to be wondered at that a thin population fled before a war which has been conducted in the spirit which this has

been since January last; for it carried insurrection as its means, and, like the awful visitations of Providence, ruin has marked its course. But we state, sir, with pleasure, that the unhappy sufferers look with manly firmness to their own Government for a reparation of their injuries; and to that Government we beg leave to consign them, with a firm persuasion that they will not be disappointed in their expectations.

And we remain, sir, &c.

No. 1.

Messrs. Newell and Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, March 6, 1815.

SIR: We are instructed by General Floyd to call upon you, and are by him authorized to receive from you any public or private property, or any slaves, that are or were in your possession at the time of the ratification of the Treaty of Peace by the President of the United States. The construction put upon this article by us is, that all private property and all slaves in your possession, whether on land or water, at the ratification of the Treaty of Peace, are to be restored. We place this construction upon the first article of the treaty, because it appears to have originated in the most amicable dispositions of both the American and British Commissioners—amicable on the part of the American Commissioners, in only demanding what might be restored without inconvenience; amicable on the part of the British Commissioners, in promising to restore all that could be restored without great inconvenience;—for we cannot persuade ourselves that the restoration of private property or slaves is to be limited to the slaves or property taken in the forts you occupied; for it must be obvious to you, sir, and it must be obvious to all, that there are no slaves, and that there is but little private property, ever taken in forts. The limitation that appears to exist in the first part of the first article of the treaty, as to such property as may remain in the forts and places in your possession, is obviously confined to artillery and other public property taken in such forts or places, and which, if once removed, would have required much trouble and much expense to restore. And this conclusion is the more obvious, from noticing that in the following part of the same article, archives, records, deeds, and papers, which are objects of easy transport, are promised to be restored, into whosoever hands they may have fallen, or whosoever they may have been transferred.

Begging that we may have an answer upon this subject, so deeply interesting to the inhabitants of Georgia, as soon as possible, we remain, sir, &c.

Admiral COCKBURN.

No. 2.

Admiral Cockburn to Messrs. Newell and Spalding.

HEADQUARTERS, CUMBERLAND ISLAND,
March 7, 1815.

GENTLEMEN: I have had the honor to receive the document which you state yourselves author-

Great Britain—Deportation of Slaves.

ized to assure me is a true copy of the Treaty of Peace which has been concluded between our respective Governments, and which you have been instructed to lay before me by Generals Pinckney and Floyd.

Accompanying this document, I am likewise honored with your note of this day, informing me of your being authorized to receive from me any public or private property, or slaves, to be restored by me under the first article of the aforesaid treaty, and explaining to me the construction you are pleased to put upon that article. But I only find in the certified copy you have laid before me, that "all territory, places, or possessions, taken during the war, or after signing the treaty, (excepting only as therein excepted,) shall be restored without delay, and without causing any destruction or carrying away of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property." It becomes, therefore, alone necessary for me to state to you, that Cumberland island being the only place or possession taken from America in this neighborhood, which was retained by me at the date of the ratification alluded to, I shall as quickly as possible evacuate it, without causing any destruction; and I shall leave on it, or deliver to you, whatever public or private property or slaves (originally captured here) remained upon the island at the date of the ratification.

I have not the slightest reason or inclination to doubt the amicable disposition you state to have actuated the British and American Commissioners in forming this treaty. It appears, however, clear to me, by the expressions they have thought proper to adopt in it, that I am only required or authorized to make the restitution I have above stated; and I must beg to decline venturing an opinion as to whether the treaty is properly worded, according to the intentions of the Commissioners; but I apprehend, had they wished to imply (as you conceive) "that all private property and slaves in my possession, whether on land or water, were to be restored," it might have been so specified without difficulty; and although you observe there are no slaves, and but little private property ever taken in "forts," yet a continuation of the words "or places" may, perhaps, do away the difficulty which presented itself to you on that point. Therefore, gentlemen, in giving up this place, in conformity with the treaty you have done me the honor to lay before me, I must beg to be excused from entering into discussion relative to captures made elsewhere, on land or water, and which have been removed from the places where captured prior to the exchange of the ratifications of the treaty.

I have the honor to be, &c.

G. COCKBURN,
Rear Admiral.

Approved: A. COCHRANE.

Capt. NEWELL and T. SPALDING,
United States' Agents.

No. 3.

Messrs. Newell and Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, March 10, 1815.

SIR: Your letter of the 7th is before us; and after the desire you have been pleased to express of declining all discussion of your construction of the first article of the Treaty of Peace between the United States and Great Britain, it only remains for us to call upon you for a list of the property, public or private, and the slaves "originally captured on Cumberland island," which you have declared your readiness to deliver. It is our duty to add this further and final remark, that this list will, we presume, include all slaves originally captured on the island of Cumberland, or, having come from other sections of the country, have there first fallen under the dominion of the British arms; and, particularly, that it will include all slaves and other property taken or received since the ratification of the Treaty of Peace between our respective Governments.

We remain, sir, &c.

T. NEWELL.
T. SPALDING.

Admiral COCKBURN.

No. 4.

Admiral Cockburn to Messrs. Newell and Spalding.

HEADQUARTERS, CUMBERLAND ISLAND,
March 11, 1815.

GENTLEMEN: I have the honor to acknowledge the receipt of your note of the 10th current, the first part of which obliges me to beg your reconsideration of my letter of the 7th, as, I believe, so far from declining therein "all discussion of my construction of the first article of the Treaty of Peace lately concluded between our Governments," I have quoted, *verbatim*, the major part of it, and have explicitly stated to you the line of conduct which my construction of the said article called upon me to adopt, in giving up the territory possessed by the forces under my orders.

I declined only entering into discussion respecting "captures made elsewhere, and which had been removed from the places where captured prior to the exchange of the ratifications of the treaty," such not appearing to me to come within the specified intention of the aforesaid first article of the treaty; and you will perceive by his signature added to my letter, the Commander-in-Chief of His Britannic Majesty's forces on the North American station concurs with me in this opinion.

I have herewith the honor to transmit, in compliance with your request, a list of property and slaves originally captured on Cumberland island, and which appear to have remained on it at 11 P. M. of the 17th ultimo, the period at which the ratifications were exchanged. I have the honor to be, &c.

G. COCKBURN,
Rear Admiral.

Capt. NEWELL and T. SPALDING,
United States' Agents.

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A list of slaves and property to be given up with Cumberland island, in conformity with the treaty lately concluded between Great Britain and the United States.

Jacob, James Nightingale, Step, Daniel, John Miller, Harriet, Cinda, Jenny, Riva, Stephen, Peggy, Joe, Ellen, Mobeta, Leah, Betty, Stepney, George, Philly, Toby, Morris Sands, Ned Simmonds, Jacky, Phoebe Sanders, Celia, Mila, Kate, Hannah, Isaac, Die, Old Sarah, Die, Bob, Jenny, Lucy, Maria, Alfred, Sarah, Priscilla, Scipio, Bella, Jemmy, Jolly, Morris, Prime, Tom, Oscar, Andrew, Clarissa, Mary, Morris, Frank, Zak, Hetty, Bina, Kitt, Jacky, July, George, Frank, Lucy, Moll, Harry, Jack, Hesther, Sally, Monday, alias Lorenzo, Smart, James Herriott, Parling, Alexander Delony, Jack, Betty, Nanny, Betty, William Parling, and Sancho.

Twenty-two bales of cotton, a number of horses and mules, and some horned cattle.

G. COCKBURN, *Rear Admiral.*

No. 5.

Messrs. Newell and Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, *Mar. 11, 1815.*

SIR: We have to acknowledge the receipt of your note of the 11th instant, containing a list of slaves and other property which had been originally found on Cumberland island, and which were remaining on the island at the ratification of the Treaty of Peace by the President. Against this construction of the first article of the Treaty of Peace we must still protest; and we must still contend, sir, that all the property and all the slaves that were on Cumberland island, or in the rivers and waters adjacent to the same, at the ratification of the treaty, in the spirit of amity in which that article was concluded, should have been restored; and this construction of the first article of the treaty was the more important to the people of the United States, as a great proportion of the property taken, and a great proportion of the slaves received, were sent from the waters of the United States, or from the island of Cumberland, as late as between the period of the 2d and the 5th of March, and no inconsiderable number of slaves have been sent on board your shipping in the offing, even since we have had the honor of addressing to you our first note, of the 7th instant. But, sir, to have pressed our construction of the treaty after your letter had been approved of by the Commander-in-Chief, (Sir Alexander Cochrane,) and he had retired from the station, would have been something more than useless. We have then, sir, no alternative but to prefer this affair to our Government. We cannot, however, conclude this correspondence without acknowledging the pleasure we feel at the facilities which you have offered to all claimants of slaves to obtain their voluntary return—facilities which, we are sensible, would have been productive of more effect had more time been allowed to operate.

And we are, sir, &c.

T. NEWELL,
T. SPALDING.

Admiral COCKBURN.

No. 6.

Mr. Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, *March 13, 1815.*

SIR: It is with much regret I have to state that of the slaves which you have ordered to be restored, as having joined the British forces under your command, after the ratification of the Treaty of Peace by the President of the United States, several of them, now on board the *Regulus*, Captain Ramsey, have not been delivered. These slaves are two of Mr. Armstrong's, (January and Mary Stubs,) one of the slaves of Mr. Miller, and the four of Mr. Copp, which were yesterday directed to be given up. I have to add, that two of the three slaves delivered up to Mr. Armstrong, the very night they returned home made their escape, and will unquestionably attempt to reach your ships. I must therefore request that any of the above persons that can be found, or any other slaves that may join your fleet, from the United States, before they quit this station, may be delivered over to Captain Massias, at Point Petre, or to his officer at Dungeness. I am, sir, respectfully, &c.

T. SPALDING.

Admiral COCKBURN, *Albion.*

D.

Extract of a letter from Thomas Spalding, Esq., to the Secretary of State.

ST. GEORGE'S, (BERMUDA,) *May, 1815.*

We sailed from Savannah on the 10th of May, and arrived on the 19th at Bermuda. While I was yet doubtful whether to apply to Governor Cockburn, of the Bermudas, (as I soon understood there were but few American slaves remaining in his Government, except what were in the naval arsenal at Ireland, and under the control of the naval commander,) I received from Admiral Griffith, through a lieutenant of the British navy, an intimation that he was desirous of seeing the agent who was understood to have arrived from the United States to make some demand of slaves and property. I waited, therefore, upon the Admiral on the 20th instant, and found him very sick. I presented to him General Pinckney's authority, purporting to be derived from the President of the United States. He received me politely, appeared to me to be a mild and gentlemanly man; expressed much regret at the circumstance that led to the necessity of making this demand, but declared his inability to afford any relief; confirmed to me what I had before learned, of most of the slaves having been sent to Halifax. He desired me, to-morrow, to address him in writing; that he would transmit my communication to his Government, which was all that was in his power; spoke something of giving me facilities on board of his ships to see and obtain the voluntary return of slaves. Finding that he was ill, and much exhausted, I took my leave, and promised to address him a letter as soon as I could prepare one.

Governor Sir James Cockburn arrived at St.

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George's on Saturday evening, and on Monday, the 22d, at an early hour, I called upon him, still undetermined in my own mind whether to make my application to him on the subject of my mission or not, until I knew, at least, that there was something in his power to grant worth asking for. I, however, as I believed it to be my duty, in the event of having something to request, presented to him General Pinckney's letter of authority. He instantly lost his temper; denied my authority contained in that letter; declared he would receive nothing from any one but the Secretary of State. After giving such explanations as I believed to comport with my duty, I found his irritation increased rather than diminished. He would not permit me to proceed to detail any of the reasons for my mission, though very ready, as he said he was bound in candor to do, to declare against the American interpretation of the first article of the treaty; and vehemently added, that he would rather Bermuda, and every man, woman, and child in it, were sunk under the sea, than surrender one slave that had sought protection under the flag of England. I could add more in this spirit, but more is not necessary. I withdrew from the Governor, and transmitted my letter, which was then ready, to the Admiral, and which is enclosed, (No. 1.)

I noticed the Governor came down to the wharf within a few moments after my leaving him, and embarked in a boat. I was then apprehensive the Admiral's communications would change their complexion; and this I found to be too true, as the enclosed letter, (No. 2,) which I received late on Tuesday, the 23d, will show.

No. 1.

Mr. Spalding to Rear Admiral Griffith.

ST. GEORGE'S, BERMUDA, May 22, 1815.

SIR: I am appointed by the President of the United States the agent, and instructed by him to proceed in the first place to Bermuda, and from thence to any other of the colonies of His Britannic Majesty, for the purpose of demanding the restoration of all public or private property, and particularly of all slaves, which have been taken from the United States after the ratification of the treaty, in contravention (as my Government conceives) of the first article.

It is not my desire, nor is it the desire of my Government, to enter into any discussion on the justice or policy of taking private property, or of receiving slaves during the continuation of the war; but that war having terminated happily for both nations, in peace, the object of that peace unquestionably is to heal the wounds that the hand of war has inflicted. To do this effectually, there must certainly be on both sides a liberal and enlightened construction of every article of the treaty; but, above all, of that article in which individual as well as national right is concerned. I will now beg leave to invite your attention to the words of the first article of the treaty; which are—

"That all territory, places, and possessions

whatsoever, taken from either party during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

After a careful perusal of this article, it very naturally and forcibly occurs to the mind that this article contains two separate and distinct principles—a restoration of public property; a restitution of private property; that there is a manner of restitution liberal and enlightened; there is a manner of restitution illiberal and unfriendly, which the British Commissioners, in the spirit of amity which dictated this article, were determined to guard against, by saying, "that all territory, places, and possessions, taken during the war, should be restored without delay, and without causing any destruction, or carrying away any artillery or other public property, which shall remain therein after the exchange of the ratifications of this treaty." These conditions can, from their nature, have no relation to private property; they cannot be applied to it but by a strange perversion of language, and, by being so applied, the whole quality of the article becomes changed; and instead of being liberal and friendly, becomes limited, illiberal, and unfriendly.

The Government of the United States was, therefore, greatly surprised to find that on a demand, at the Chesapeake, at Cumberland island, and in Louisiana, of public or private property, or slaves that were remaining within the limits of the United States at the ratification of the Treaty of Peace, the commanding officers everywhere adopted the extraordinary principle, that if either public or private property, or slaves, were removed a single mile from the place of capture, they were not restorable, though still within the limits of the United States; though even under the eye of the Commissioners who were instructed at the several points to demand the restoration, and, in many instances, in the presence of the original proprietors, many days after the ratification of the treaty had been notified to the officers commanding. Public and private property and slaves were shipped in a period of restored peace, in many instances to the ruin of the beholders, from the limits of the United States, because, as the commanding officers said, "the property or slaves were not taken at the particular point which the British forces occupied at the moment of the ratification of the treaty." So that all that was necessary to make the first article of the treaty, as far as regarded private property or slaves, a complete nullity, as the British commanders were morally certain of receiving the earliest intimation of the contents of the treaty, they had only to draw in their outposts, and to contract their limits to points where no property and few slaves had been taken. This

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was conspicuously the case in Georgia. Much property was taken at St. Mary's, and some negroes; at St. Simon's some cotton and other property, and many hundred slaves; from St. Simon's the British forces were withdrawn but four days before the ratification of the treaty, and two hundred British troops occupied St. Mary's for a day and a night even after the ratification of the treaty. Yet, sir, because these two places had not remained in the uniform possession of the British forces to the very moment of the ratification, all the property and all the slaves taken at either, and placed in deposit at Cumberland, were considered without the pale of its operation. Here I flatter myself I might rest, with assurance of your according in the justice of the construction which the Government of the United States has given to the first article of the treaty, in expecting that all public or private property, or slaves, which had been taken or received by the British forces during the war, and which remained within the limits of the United States at the ratification of the Treaty of Peace, whether on the land or within the acknowledged waters, would be restored.

But, not to be wanting to myself, and not to be wanting to my Government, I must reluctantly trespass upon your time while I enforce the distinction I drew in the first part of my letter, between public property, to which the limitation in the first article of the treaty relates, and which enlarges and liberalizes its operation, and its application to slaves and private property, which would limit and make null its operations.

There may be, and often is, a strong motive for destroying public, when there can be none for destroying private property. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and munitions of war in them; but it is believed that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between public and private property in a guarded manner.

All territory, places, and possessions, (with a particular exception,) shall be restored, without destroying or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far, the stipulation acts upon proper subjects, and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other public property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence after "slaves and other private prop-

erty." In that case, both interests, the public and the private, would have been subject to the same restraint. But, by separating them from each other, and putting the restrictive words immediately after "artillery and other public property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

I will now close my letter to you by stating, that at the ratification of the Treaty of Peace, on the 17th of February, forty thousand dollars worth of cotton, tobacco, rice, other produce, and other goods, were on Cumberland island, or in the ship Countess Harcourt and others, taken at St. Mary's and in its vicinity; and that those ships lay at that time in the Cumberland river, within a short distance of the shore; that the Countess Harcourt and the ship Maria Theresa had taken refuge in His Catholic Majesty's province of East Florida; they depended upon the neutrality of their situation for protection, and made no resistance; that about seven hundred out of seven hundred and thirty negroes that joined the British forces from Georgia were on Cumberland island, or in the ships so taken and then lying in Cumberland river. The first of these negroes, excepting a few that had departed in ships of war, left the United States in the Countess Harcourt on the 19th of February; that many hundreds of them left Cumberland island on the night of the 6th of March, and after I had had myself the honor of demanding them, on the part of the United States, from Admiral Cockburn. I have not yet been furnished by my Government with a list of slaves or private property that were either at Tangier island or in Louisiana, liable to restitution under the first article; but from the public papers we are assured of the fact, and a few days will put me in possession of the necessary evidence of the property and slaves so situated. The documents in support of the facts in relation to the property and slaves from Georgia, I shall be ready at any time to present to you.

And I beg you, sir to believe that, if in any part of this letter I have used strong language, it is far from my intention to offend, for I feel fully assured my Government rejoices at the restoration of the relations of peace, and fondly hopes that neither time nor circumstance will again alienate two nations that manners, and customs, and language, and mutual interest should unite.

I am, &c.

THOMAS SPALDING, *Agent U. S.*

Rear Admiral GRIFFITH, &c.

No. 2.

Admiral Griffith to Mr. Spalding.

HIS MAJESTY'S SHIP BULWARK,
Bermuda, May 23, 1815.

SIR: I have to acknowledge the receipt of your letter of the 22d instant, informing me that you are appointed by the President of the United States the agent, and instructed by him to proceed, in the first place, to Bermuda, and from thence to any other of the colonies of His Bri-

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tannic Majesty, for the purpose of demanding the restoration of all public or private property, and particularly of all slaves who have been taken from the United States after the ratification of the treaty, in contravention (as your Government conceives) of the first article.

Had I felt myself authorized or qualified to enter into a discussion of the several topics your letter embraces, it would, in the first place, have been my duty to call upon you to produce the authority under which you have come to these islands on a mission of this public nature; for I presume, as you state your appointment to be by the President of the United States, that the letter you put into my hand when I had the pleasure of seeing you the day before yesterday, (and which, if I recollect right, was signed "Pinckney," who you informed me was a Major General in the service of the United States,) is not the only authority you are in possession of. However, sir, it is quite unnecessary to take this preliminary step, for the subject of your letter appearing to me more properly to belong to our respective Governments to discuss, than to the officers, military or naval, of either, the regular channel through which to make any applications of the nature of those alluded to in it I should suppose would be the British Minister resident in the United States. Be this, however, as it may, I consider it entirely out of my province to enter into either negotiation or discussion with you on them; and the more so, from having learned, since you called upon me, that the subject of your mission to these islands had been fully discussed between Rear Admiral Cockburn (before he left the coast of Florida) and Commissioners appointed by the Government of the United States; and that all persons then in possession of the British, who could possibly be considered as coming within the most liberal construction of the treaty, had been restored; and that the rear admiral's conduct and decisions had been fully approved by the late Commander-in-Chief, Sir Alexander Cochrane, at Cumberland island.

I shall not fail to transmit your letter to my Government; and it might, at the same time, be satisfactory for a copy of the authority under which you have come to these islands to accompany it, should you think proper to furnish me with one.

I need scarcely observe that it will be a loss of time your waiting here for the documents alluded to in the last paragraph but one of your letter, or visiting any other British islands or settlements for the purposes set forth in your said letter; for I can venture to assure you that there is not any authority at either competent to deliver up persons who, during the late war, placed themselves under the protection of the British flag, or property which may have been captured during the continuance of hostilities.

I am, sir, &c.

EDWARD GRIFFITH,
Rear Admiral, &c.

THOMAS SPALDING, Esq.

E.

Extract of a letter from Mr. Adams to the Secretary of State, dated at

LONDON, June 23, 1815.

I further observed that the British Admiral stationed in the Chesapeake had declined restoring slaves that he had taken, under a construction of the first article of the treaty which the Government of the United States considered erroneous, and which I presumed this Government would likewise so consider; that a reference to the original draught of the British projet, and to an alteration proposed by us and assented to by the British Plenipotentiaries, would immediately show the incorrectness of this construction. He said he thought it would be best to refer this matter to the gentlemen who were authorized to confer with us on the subject of a treaty of commerce. He asked me if Mr. Clay and Mr. Gallatin had communicated to me what had passed between them and this Government on that head. I said they had. After inquiring whether I was joined in that commission, he said that the same person had been appointed to treat with us who had concluded with us the Treaty at Ghent, and that Mr. Robinson, the Vice President of the Board of Trade, had been added to them. They had already had some conferences with Messrs. Clay and Gallatin, and their powers were now made out and ready for them to proceed in the negotiation.

Extract of a letter from Mr. Adams to the Secretary of State, dated at

LONDON, August 15, 1815.

SIR: The departure of Mr. Bagot having been some time delayed, and the private accounts from the United States received here indicating the actual continuance of Indian hostilities on the Mississippi and Missouri, I have thought it my duty, by an official communication to this Government, to press for the surrender of Michilimackinac, and to apprise them that payment would be claimed for the value of the slaves carried away in contravention of the first article of the Treaty of Ghent. I have the honor to enclose, herewith, a copy of my letter to Lord Castlereagh on this occasion. I had mentioned to him the subject of the slaves in my first interview, and he had then expressed an intention to refer it to the Commissioners with whom we were then negotiating the commercial convention; but they received no instructions relative to it, and considered their powers as limited to the objects upon which my colleagues were authorized conjointly with me to treat.

Extract from Mr. Adams's letter to Lord Castlereagh, dated

AUGUST 9, 1815.

MY LORD: In two several conferences with your Lordship, I have had the honor of mentioning the refusal of His Majesty's naval commanders, who, at the restoration of peace between the United States

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and Great Britain, were stationed on the American coast, to restore the slaves taken by them from their owners in the United States during the war, and then in their possession, notwithstanding the stipulation in the first article of the Treaty of Ghent that such slaves should not be carried away. Presuming that you are in possession of the correspondence on this subject which has passed between the Secretary of State of the United States and Mr. Baker, it will be unnecessary for me to repeat the demonstration that the carrying away of these slaves is incompatible with the terms of the treaty. But as a reference to the documents of the negotiation at Ghent may serve to elucidate the intentions of the contracting parties, I am induced to present them to your consideration, in hopes that the Minister of His Majesty, now about to depart for the United States, may be authorized to direct the restitution of the slaves conformably to the treaty, or to provide for the payment of the value of those carried away contrary to that stipulation, which, in the event of their not being restored, I am instructed by my Government to claim.

The first projet of the Treaty at Ghent was offered by the American Plenipotentiaries, and that part of the first article relating to slaves was therein expressed in the following manner:

"All territory, places, and possessions, without exception, taken by either party from the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any other public property; or any slaves or other private property."

The projet was returned by the British Plenipotentiaries with the proposal of several alterations, and, among the rest, in this part of the first article, which they proposed should be so changed as to read thus:

"All territory, places and possessions, without exception, belonging to either party, and taken by the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, or any slaves or other private property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty."

It will be observed, that in this proposal, the words "originally captured in the said forts or places, and which shall remain therein upon the ratifications of this treaty," operated as a modification of the article as originally proposed in the American projet. Instead of stipulating that no property, public or private, artillery or slaves, should be carried away, they limited the prohibition of removal to all such property as had been originally captured in the forts and places, and should remain there at the exchange of the ratifications. They included within the limitation private as well as public property; and had the article been assented to in this form by the American Plenipotentiaries, and ratified by their Government, it would have warranted the construc-

tion which the British commanders have given to the article as it was ultimately agreed to, and which it cannot admit; for, by a reference to the protocol of conference held on the 1st of December, 1814, there will be found among the alterations to the amended projet, proposed by the American Plenipotentiaries, the following:

"Transpose alterations consisting of the words 'originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty,' after the words public property."

"Agreed to by the British Plenipotentiaries."

It thus appears that the American Plenipotentiaries admitted, with regard to artillery and public property, the limitation which was proposed by the British projet, but that they did not assent to it with regard to slaves and private property; that, on the contrary, they asked such a transposition of the words of limitation as would leave them applicable only to artillery and public property, and would except slaves and private property from their operation altogether; that the British Plenipotentiaries and Government, by this proposed transposition of the words, had full notice of the views of the other contracting party, in adhering to the generality of the prohibition to carry away slaves and private property, while acquiescing in a limitation with respect to artillery and public property. With this notice, the British Government agreed to the transposition of the words; and accordingly, that part of the article as ratified by both Governments now stands thus:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the island herein-after mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

From this view of the stipulation, as originally proposed at the negotiation at Ghent, as subsequently modified by the proposals of the respective Plenipotentiaries, and as finally agreed to by both the contracting parties, I trust it will remain evident, that, in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken on their shores. Had the construction of the article itself been in any degree equivocal, this statement of the manner in which it was drawn up would have sufficed to solve every doubt of its meaning. It would also show that the British Plenipotentiaries were not unaware of its purport, as understood by those of the United States, and as I am instructed to urge its execution.

J. Q. ADAMS.

LORD CASTLEREAGH.

Great Britain—Deportation of Slaves.

Extract of a letter from Mr. Adams to the Secretary of State, dated

August 22, 1815.

Referring, then, to the contents of my letter of the 9th instant to Lord Castlereagh, which he had seen, I told him (Lord Liverpool) that, having expected Mr. Bagot was on the eve of his departure, I had been anxious that he might go provided with instructions which might give satisfaction to the Government of the United States with regard to the execution of two very important stipulations in the Treaty of Ghent. He said that, as to the surrender of Michilimackinac, there could be no sort of difficulty. The orders for its evacuation had been long since given. It was merely the want of barracks for their troops that had occasioned a momentary delay, and he had no doubt that the fort had been before this delivered up. There never had been for a moment the intention, on the part of the British Government, to retain any place which they had stipulated to restore. But, with respect to the slaves, they certainly construed very differently from the American Government the stipulations relating to them. They thought that it applied only to the slaves in the forts and places which, having been taken during the war, were to be restored at the peace. I said that, independent of the construction of the sentence which so strongly marked the distinction between the artillery and public property, and slaves and private property, the process by which the article had been drawn up, demonstrated, beyond all question, that a distinction between them was intended and understood by both parties. The first projet of the treaty had been presented by us. This had been required, and even insisted upon by the British Plenipotentiaries. The article was, therefore, drawn up by us, and our intention certainly was to secure the restoration both of the public and private property, including slaves, which had been in any manner captured on shore during the war. The projet was returned to us with a limitation upon the restoration of the property, whether public or private, to such as had been in the places when captured, and should remain there at the time of the evacuation. We assented to this so far as regards artillery and public property, which, by the usages of war, is liable to be taken and removed, but not with regard to private property and slaves, which we thought should, at all events, be restored, because they ought never to have been taken. We, therefore, proposed the transposition of the words, as stated in my letter to Lord Castlereagh. The construction upon which the British commanders have carried away the slaves would annul the whole effect of the transposition of the words. Artillery and public property had, of course, been found, and could, therefore, be restored almost or quite exclusively in the forts or places occupied by troops. But there was not, perhaps, a slave to carry away in all those which were occupied by the British when the treaty was concluded; and to confine the stipulation relating to slaves within the same limits as those

agreed to with regard to public property, would reduce them to a dead letter. He said that perhaps the British Plenipotentiaries had agreed to the transposition of the words there at Ghent, without referring to the Government here; and that, although the intention of the parties might be developed by reference to the course of the negotiations, yet the ultimate construction must be upon the words of the treaty as they stood. He would see Mr. Goulburn, and inquire of him how they understood this transposition; but certainly, for himself, (and he could speak for the whole Government here,) he had considered them only as promising not to carry away slaves from the places which were occupied by their forces, and which they were to evacuate. There were, perhaps, few or no slaves in the places then occupied by them, but there was a probability, at the time when the treaty was signed, that New Orleans and other parts of the Southern States might be in their possession at the time of the exchange of the ratifications. If they had understood the words to imply that persons who, from whatever motive, had taken refuge under the protection of the British forces, should be delivered up to those who, to say the least, must feel unkindly towards them, and might treat them harshly, they would have objected to it. Something else (he could not say what) would have been proposed. I said I had referred to the progress of the negotiation and the protocol of conferences, only as confirming what I thought the evident purport of the words of the treaty. To speak in perfect candor, I would not undertake to say that the British Plenipotentiaries had taken a view of the subject different from that of their Government; but certainly we had drawn up the article without any anticipation that New Orleans or other Southern ports, not then in their possession, would, at the ratification of the treaty, be occupied by them. Our intentions were to provide that no slaves should be carried away. We had no thought of disguising or concealing those intentions.

Had the British Plenipotentiaries asked of us an explanation of our proposal to transpose the words, we should certainly have given it; we evidently had an object in making the proposal, and we thought the words themselves fully disclosed it. Our object was the restoration of all property, including slaves, which, by the usages of war among civilized nations, ought not to have been taken. All private property on shore was of that description. It was entitled, by the laws of war, to exemption from capture. Slaves were private property. Lord Liverpool said that he thought they could not be considered precisely under the general denomination of private property; a table or a chair, for instance, might be taken and restored without changing its condition, but a living and human being was entitled to other considerations. I replied that the treaty had marked no such distinction; the words implicitly recognised slaves as private property in the article alluded to—"slaves or other private property." Not that I meant to deny the princi-

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ple assumed by him: most certainly a living, sentient being, and still more a human being, was to be regarded in a different light from the inanimate matter of which other private property might consist. And if, on the ground of that difference, the British Plenipotentiaries had objected to restore the one while consenting to restore the other, we should readily have discussed the subject; we might have accepted or objected to the proposal they would have made. But what could that proposal have been? Upon what ground could Great Britain have refused to restore them? Was it because they had been seduced away from their masters by the promises of British officers? But had they taken New Orleans, or any other Southern city, would not all the slaves in it have had as much claim to the benefit of such promises as the fugitives from their masters elsewhere? How, then, could the place, if it had been taken, have been evacuated according to the treaty, without carrying away any slaves, if the pledge of such promises was to protect them from being restored to their owners? It was true, proclamations inviting slaves to desert from their masters, had been issued by British officers. We considered them as deviations from the usages of war. We believed that the British Government itself would, when the hostile passions arising from the state of war should subside, consider them in the same light; that Great Britain would then be willing to restore the property, or to indemnify the sufferers by its loss. If she felt bound to make good the promises of her officers to the slaves, she might still be willing to do an act of justice by compensating the owners of the slaves for the property which had been irregularly taken from them. Without entering into a discussion which might have been at once unprofitable and irritating, she might consider this engagement only as a promise to pay to the owners of the slaves the value of those of them which might be carried away. Lord Liverpool manifested no dissatisfaction at these remarks, nor did he attempt to justify the proclamation to which I particularly alluded.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, September 5, 1815.

In compliance with your instructions, I have this day addressed Lord Castlereagh, claiming payment from the British Government for the slaves carried away from Cumberland island and the adjoining waters, after the ratification of the Treaty of Peace, and in contravention to one of the express stipulations of that treaty.

My preceding despatches, Nos. 9 and 10, will have informed you of the steps I had taken by an official letter to Lord Castlereagh, and by a personal interview with the Earl of Liverpool, in relation to this subject, previous to the receipt of your last instructions. The letter to Lord Castlereagh has hitherto remained unanswered, and Lord Liverpool made no attempt to answer either the reasoning of your letter on the subject

to Mr. Baker, or the statement of the proof with regard to the meaning of the article, resulting from the manner in which it had been drawn up and agreed to. The substance of what he said was, that, in agreeing to the article as it stands, they had not been aware that it would bind them to restore the slaves whom their officers had enticed away by promises of freedom.

The case of these slaves, carried away from Cumberland, seems not even to admit of the distinction to which Mr. Baker and Lord Liverpool resorted: yet the prospect of obtaining either restoration or indemnity appears to be not more favorable in this case than many others of the same class. If there were any probability that this Government would admit the principle of making indemnity, it would become necessary for me to remark that the list of slaves transmitted to me, and of which I have sent to Lord Castlereagh a copy, is not an authenticated document; it is, itself, merely a copy of a paper, under the simple signature of two persons, one of them an officer in the service of the United States, and the other apparently a private individual. It can scarcely be expected that the British Government, or, indeed, any other, would grant a large sum of indemnities upon evidence of this description. Neither could I feel myself prepared to bargain for the value of these slaves, according to a general conjectural estimate of their value. I have made the offer, under the full conviction that it will not be accepted. But if indemnity should ever be consented by this Government to be made, the claims are of a nature to be settled only by a Board of Commissioners, authorized to scrutinize, in judicial forms, the evidence in support of them. I have also thought it would give a further sanction to the claim, to advance it while offering still to this Government the alternative of restoring the slaves themselves.

Mr. Adams to Lord Castlereagh.

LONDON, Sept. 5, 1815.

MY LORD: In the letter which I had the honor of addressing to your lordship on the 9th of August last, I stated that I had been instructed by my Government to claim the payment of the value of the slaves carried away from the United States by the British naval commanders stationed on the American coast, notwithstanding the express stipulation to the contrary in the first article of the Treaty of Ghent, in the event that such slaves should not be restored to their owners.

The enclosed is a copy of a list of seven hundred and two slaves taken in the State of Georgia by the forces under the command of Rear Admiral Cockburn, and carried away after the ratification of the Treaty of Peace from Cumberland island, or the waters adjacent to the same, which has been transmitted to me by the Secretary of State of the United States, with a new instruction to claim the indemnity justly due to the owners, to the full value of each slave. Should His Majesty's Government now prefer to restore the slaves, who must yet be in their pos-

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session or that of their officers, it is presumed to be still practicable; but their removal having been in contravention of the express stipulation of the treaty, it is to the faith of Great Britain, pledged by that stipulation, that the United States can alone recur for indemnification to the owners for the loss of their property, if the slaves are not restored.

If it should be deemed expedient rather to make this compensation than to restore the slaves to their owners, I am authorized to enter into such arrangements as may be thought proper for ascertaining the amount of the indemnity to be made, and settling the manner in which it may be allowed.

I have the honor to be, &c.,

JOHN QUINCY ADAMS.

Lord Viscount CASTLEREAGH, &c.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, Sept. 26, 1815.

I have not yet received any answer to either of those which I addressed to Lord Castlereagh in relation to the slaves carried away in violation of the first article of the Treaty of Ghent.

Copy of a letter from Mr. Adams to Lord Bathurst.

25 CHARLES STREET,
Westminster, October 7, 1815.

MY LORD: The documents of which I have now the honor of enclosing to your lordship copies, have been transmitted to me from the Government of the United States, with instructions to apply to that of His Majesty for the restitution of the slaves referred to in them, or for indemnity to their proprietor, Raleigh W. Downman, for the loss of them. In the cases which I have heretofore presented to the consideration of His Majesty's Government, and concerning which I am yet waiting for the honor of an answer, I have deemed it sufficient to state, in support of the documents furnished, the simple fact of the taking and carrying away of the slaves, and the appeal to the plain and explicit stipulation in the Treaty of Ghent, which has been thereby violated. But, in addition to these grounds of claim, it cannot escape your lordship's discernment, that in the present case there are circumstances which entitle it to peculiar regard, independent of the engagement in the treaty—these slaves having been taken and carried away by a British officer, while himself under the special and solemn protection of a flag of truce. The transaction, therefore, was in the nature of a breach of parole; marked not only with the exceptionable characters of depredation upon private property, but with the disregard of that sacred pledge of peace which is tacitly and universally understood to be given by the assumption of a flag of truce. To prescribe the restitution of property thus captured, no express stipulation could be necessary; yet the stipulation of the treaty applies likewise to the present claim in all its force. I am induced

to hope it will meet with the immediate attention of His Majesty's Government.

I am happy to avail myself of the occasion to renew to your lordship the assurance of my highest consideration.

JOHN QUINCY ADAMS.

Copy of a note from Lord Bathurst to Mr. Adams.

FOREIGN OFFICE, Oct. 9, 1815.

Earl Bathurst presents his compliments to Mr. Adams, and has the honor to inform him that His Majesty's Government will cause immediate inquiry to be made in the case of the slaves carried away by the officer of the flag of truce, as represented in Mr. Adams's note of the 7th instant.

Lord Bathurst requests Mr. Adams will accept the assurance of his high consideration.

Copy of a letter from Mr. Adams to the Secretary of State, dated

OCTOBER 31, 1815.

SIR: I have the honor to enclose copies of two papers received from Lord Bathurst, relative to the taking and carrying away of slaves from the United States by the British naval commanders, in violation of the first article of the Treaty of Ghent, and also by an abuse of the privileges allowed to a flag of truce.

I have the honor to be, &c.,

JOHN QUINCY ADAMS.

Copy of a note from Lord Bathurst to Mr. Adams, dated

FOREIGN OFFICE, Oct. 24, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, has the honor to acknowledge the receipt of Mr. Adams's letter of the 7th instant, with the documents therein contained, relating to eleven slaves, the property of Raleigh W. Downman, an American, stated to have been received on board and carried off in a flag of truce sent by Captain Barrie (when senior officer in the command of the British flotilla up the Rappahannock) to procure the release of a surgeon's assistant who had been made prisoner.

The undersigned has the honor to acquaint Mr. Adams, that Captain Barrie having been referred to, without loss of time, for such particulars as he might be enabled to give upon this subject, a statement to the following effect has been received from that officer, which the undersigned hastens to communicate to Mr. Adams.

Captain Barrie has not any documents with him to which he can refer, but he feels confident that he may trust to his memory on this occasion.

The letters marked A and B, transmitted by Mr. Adams, Captain Barrie believes to be copies of those which passed between the American commanding officer and himself.

He is certain that he never received the letter marked D, a copy of which is transmitted in Mr. Adams's letter, and has no recollection of any slaves ever having been received on board any flag of truce during the time he was intrusted

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with the command of the Chesapeake squadron; if such a circumstance did occur, it was without his knowledge or authority. Had such an event fallen under Captain Barrie's cognizance, he would (if the slaves had forcibly been taken from the shore) instantly have ordered them to be restored, and the officer so offending into confinement, till he could be brought to trial; if, however, the slaves had voluntarily sought British protection, and had once obtained a footing under the British colors, he should not have taken upon himself to allow them to be forced back into slavery, but should have waited the directions of the Commander-in-Chief. During the two winters that Captain Barrie was employed as senior officer in the Chesapeake, the slaves were constantly escaping from the shore, and joining the British ships; on these occasions their general practice was to show something to represent the white flag, and Captain Barrie thinks it not improbable (if any slaves were received on board the Franklin) that they may have escaped in the canoe, and have themselves hoisted the flag which has been sworn to.

Before the surgeon's mate was restored, Admiral Cockburn had arrived in the Chesapeake; and, if the letter D had ever reached the Admiral, Captain Barrie is of opinion it certainly would have been communicated to him.

Captain Barrie states that the masters of the slaves very frequently came off to the ships to claim them; on which occasions he uniformly left it to the slaves whether they would remain under British protection or return to their masters, and even allowed the masters to converse with their slaves apart from the ship's company.

The violation of a flag of truce was a very tender subject with Captain Barrie at the period in question, for he had a short time previous been engaged in correspondence with the commanding officer of the United States forces at Norfolk on want of respect paid to British flags of truce; one of his small four-oared boats, unarmed, with a large new white flag flying, having been wantonly fired on in open day, though the boat was proceeding to the place where the Americans had previously arranged that flags of truce should be received. One of Captain Barrie's men was killed when the boat was receding from the shore, with the flag of truce still flying. The boat was employed to land the servant of the Russian Secretary of Legation, who was on board the Dragon, waiting a passage to Europe. Captain Barrie remarks on Downman's memorial, that, till after the peace, a squadron was constantly in the Chesapeake; and that, though the Dragon had sailed, the letter D, if then in existence, could easily have been presented to the senior officers, either at Tangier island or Symhan bay. The Franklin (the vessel stated to have carried off the slaves) remained in the bay with the ship she was manned from—the Havana.

The undersigned trusts that, after a perusal of the above statement on the part of Captain Barrie, Mr. Adams will concur in the opinion that some mistake exists with respect to the conduct

imputed to that officer. But the undersigned has the honor to acquaint Mr. Adams, that, in order to ascertain, as well as possible, the real state of the transaction, a communication will be made forthwith to Admiral Cockburn, for the purpose of obtaining further information upon the subject, with which he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned requests Mr. Adams will accept the assurances of his highest consideration.
BATHURST.

Copy of a note from Lord Bathurst to Mr. Adams, dated

FOREIGN OFFICE, Oct. 24, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, has had the honor to receive Mr. Adams's letters of the 9th of August and 5th of September last; the first of which recites the first article of the Treaty of Ghent, and requires "that His Majesty's naval commanders, who, at the restoration of peace between the United States and Great Britain, were stationed on the American coast, should restore the slaves taken by them from their owners in the United States during the war, and then in their possession." This claim is set up in consequence of the following interpretation which is given to the first article of the said treaty by the Government of the United States, in as far as it relates to slaves and private property, namely: "That, in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken upon their shores;" and it takes its origin from a different construction of the same article of the treaty by His Majesty's naval officers on the coast of America, who (according to Mr. Monroe's letter to Mr. Baker of the 1st of April) contend that "slaves and other private property are comprised under the same regulation with artillery and other public property; and that none ought, in consequence, to be restored, except such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken."

The arguments brought forward by the American Government in support of their understanding of the first article of the Treaty of Ghent rest partly upon such collateral evidence as may be deduced from the intention of the negotiators at the time they drew up that article. The undersigned need not remind Mr. Adams of the inconvenience which would result, were the parties upon whom treaties are binding to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself on any point of controversy respecting it.

The undersigned is, however, willing to waive this objection. In this instance, it would appear that the alteration in the original article proposed

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by the British Commissioners was introduced by a verbal amendment suggested by the American Plenipotentiaries. Many alterations of this kind took place, sometimes at the suggestion of one party, and sometimes of the other; but it surely is not meant to be inferred from this that a change of phrase, professedly verbal, is to be taken as necessarily denoting, or importing an admitted change of construction. It is certainly possible that one party may propose an alteration with a mental reservation of some construction of his own, and that he may assent to it on a firm persuasion that the construction continues to be the same; and that, therefore, he may conciliate, and yet concede nothing by giving his assent. The proposed alteration was considered as merely verbal; no suspicion appears to have been entertained that it changed the stipulation as originally introduced; and it is not averred that the American Plenipotentiaries then thought of the construction now set up by their Government. The meaning of the British negotiators is admitted to have been made quite apparent by their project; and as nothing passed indicative of any objections to it on the part of the American Commissioners, or of any departure from it by the British negotiators when the alterations were suggested by one party and acceded to by the other; and as there was no discussion on the propriety of making the restitution more extensive as to slaves and other private property than as to the other property mentioned, the undersigned cannot subscribe to the conclusions which Mr. Adams and his Government have drawn from this manner of viewing the subject. The undersigned will now proceed to examine that part of the subject which regards the construction that has been given to the context of the article in question by the Government of the United States.

By the first article of the treaty it is stipulated that "there shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the

bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made, in conformity with the fourth article of this treaty.

"No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall in any manner whatsoever be construed to affect the right of either."

The main purport of the first article, in the former part of it, relates to the general pacification, and, in the latter part of it, to some of the direct consequences on the territorial possessions of the two countries, and the property within such possessions. As to the public property in the posts or places to be restored, it provides that, if it shall have the double condition annexed to it of having been originally captured therein, and of remaining therein when the ratifications are exchanged, then such property is to be restored, and it is not to be destroyed or carried away. It would surely have been unusual and unreasonable to have stipulated for the restitution of any property which never had belonged to the fort or place, or which had been already destroyed or carried away, so as no longer in fairness to have been considered as belonging to it; for it would seem to have no connexion with the subject-matter of that part of the article in which the stipulation concerning it must be supposed to occur. As to public property, it appears quite plain that the carrying away here spoken of is *from* the fort or place to which it belonged, and from no other; for the condition which is admitted to apply to that would otherwise have no application at all; and no sound reason can be given why the condition might not, in both its branches, apply as well to private as to public property, provided the construction would fairly admit of it. Both parties appear to agree as to the conditions which relate to public property. But then immediately follow, in the same sentence, the words "or any slaves or other private property;" and here the question is, whether slaves and other private property are to be restored under the same limitation provided in the same article, and in that part of it which immediately precedes the words in question, or whether they are to be restored under different provisions? In the first place, the words do not admit of, nor is it contended by either party that there is any distinction whatever made in this article between slaves and other private property. They are incontestably placed on the same footing; and whatever stipulations in this article apply to slaves, as one description of private property, must, of necessity, apply equally to all other private property referred to in the article. The question then is, under what conditions is it stipulated that private property (slaves inclusive) is to be restored? If it be contended that, by the position of the words in this article, private property is released from all the conditions under which it is admitted that public property is to be restored, the res-

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titution becomes in that case unconditional. But Mr. Monroe does not contend for an unconditional restitution, and, therefore, seems to admit that the stipulation respecting private property is not a new and substantial stipulation, independent of preceding words; but that the words "carrying away," which, in the preceding part of the sentence, apply to the restitution of public property, apply equally to the restitution of private property. But, if the words "carrying away" apply to private as well as public property, how entirely arbitrary it is to say that the intervening words do apply to the one, and do not apply to the other, although the words "carrying away" grammatically govern both.

Admitting, however, this arbitrary construction, still it would be more extensive than that for which Mr. Monroe contends; for, in that case, there would be no limitation assigned as to the place where the private property was originally captured, nor any limitation as to the place from whence the private property was not to be carried away. All merchant vessels, therefore, captured on the high seas, and their effects, must, according to this construction, be restored, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. Neither would there be any limitation as to the time subsequent to which the carrying away is not to take place. It might be from the commencement of the war, or from the signature of the treaty, or from the exchange of the ratifications: whereas Mr. Monroe contends that the places where they had been originally captured, the places from whence they must not be carried away, and the period to which this limitation applies, are well ascertained by the first article. According to the construction of this article by the American Government, the private property in contemplation is limited to such as had been originally captured within the territories of the United States; and such property, so captured, must not be carried away after the exchange of the ratifications, nor from any place within the limits of the United States, whether this private property be at that period in American ports, or British ships-of-war, or British vessels. But if the first article provide for all these stipulations, one of them placing private property on the same footing as that on which, by the same, public property is placed, and the others establishing dissimilar conditions, it is impossible to look at those passages in this first article, which can alone be made to apply to such provisions, and not be at once satisfied that these limitations cannot be extracted, without such omissions and interpolations as the undersigned is persuaded that it is not the intention of the American Government to maintain. As to the application of this article to private property on shipboard, neither does the first article itself, nor did any discussion respecting it, express or refer to any such restitution of property remaining in British ships of war or British vessels. There are not only no words in the article which stipulate such a provision, but there is a provision in

the second article which stipulates the contrary. By the second, the conditions are stipulated on which vessels and their effects are to be restored; they are to be restored if the vessels be not captured until after a given time from the exchange of the ratifications. If the vessels were captured previous to the time limited, neither they nor their effects are to be restored, wherever such vessels with their effects may be, although they should be within the limits of the United States; yet, according to the stipulations of the second article, which have a direct application to private property on shipboard, if they have been captured within a limited time, they may be carried away at any subsequent period, without reference to the exchange of the ratifications. To Mr. Monroe's observation, that destruction, in the first article, cannot apply to slaves, it might be sufficient to answer, that the expression may certainly apply to other private property, and that the stipulations which apply to one must apply to the other; but the observation is, in truth, not material to the question at issue, because the point in dispute is not with reference to private property carried away; which words, it is admitted, do apply to slaves and other private property. The question, then, seems to be this. Is that construction the true one which is the most simple and is grammatically correct, and was that which it is admitted one of the contracting parties intended, and against which the other did not at the time object? or is that construction to be adopted which was not at the time professed, and the words of the article do not express, and which is in contravention of the article which immediately follows it?

In this alternative, the undersigned has no hesitation in communicating to Mr. Adams that the British Government is under the necessity of adhering to the construction of the disputed point in the first article of the Treaty of Ghent, as set forth in this note, much as it has to regret that the construction should differ so widely from that of the Government of the United States.

The undersigned requests Mr. Adams to accept the assurances of his high consideration.

BATHURST.

Extract of a letter from the Secretary of State to Mr. Adams, dated

NOVEMBER 16, 1815.

It cannot be doubted that the British Government will make a just indemnity to the owners for the slaves who were carried from the United States by the British officers, in violation of the Treaty of Peace. The construction of the article, relating to this subject, given in my letter to Mr. Baker, and maintained with so much reason and force in your conference with Lord Liverpool, is that alone which can be admitted here. The palpable violation of the treaty by the British officers, in carrying those persons off, after the peace was proclaimed, from the presence of their owners, excited a sensibility which need not be described. A vigorous effort of the Government

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to obtain justice is claimed, and expected by them. Lists of the slaves taken from Cumberland island and Tangiers have already been forwarded, and lists of those taken from other parts will be forwarded when obtained.

Extract of a letter from the Secretary of State to Mr. Adams, dated

NOVEMBER 20, 1815.

It is not expected that the British Government will pay for any slaves who were carried from the United States, in violation of the treaty, of which satisfactory proof is not adduced. The proof applicable to those who were taken from Cumberland and Tangier islands will, I presume, be placed on the strongest ground; and I have no doubt that proof equally strong may be obtained of the removal of many others, who were carried off after the peace in British ships from other quarters. It is important that the principle be first established that the British Government will pay for the slaves carried off in violation of the treaty. The manner of liquidating the claims is the next point to be arranged. The mode suggested by you, the appointment of a Board of Commissioners, with full powers to investigate every case, is thought the most eligible—indeed, the only one that could do justice to the parties. This board ought to consist of one or more commissioners, to be appointed in equal number by each Government, and to hold its session in the United States.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, Feb. 8, 1816.

In adverting to the subject of the slaves, I reminded him [Lord Castlereagh] that there were three distinct points relating to them, which had been under discussion between the two Governments. The first, regarding the slaves carried away by the British commanders from the United States, contrary, as the American Government holds, to the express stipulation of the Treaty of Ghent. After referring to the correspondence which has taken place on this topic at Washington and here, I observed that the last note concerning it, which I had received from Lord Bathurst, seemed to intimate that this Government had taken its final determination on the matter; that I hoped it was not so; I hoped they would give it further consideration; it had been the cause of so much anxiety to my Government; it was urged so constantly and so earnestly in my instructions. The language of the treaty appeared to us so clear and unequivocal; the violation of it, in carrying away the slaves, so manifest; and the losses of property occasioned to our citizens so considerable, and so serious, that I would not abandon the hope that further consideration would be given to it here, and ultimately that satisfaction would be made to the United States on this cause of complaint. Lord Castlereagh said that he had not seen the correspondence to

which I referred, but that he would have it looked up, and examine it. There was, I told him, a special representation concerning eleven slaves taken from Mr. Downman by the violation of a flag of truce sent ashore by Captain Barrie. I had also received from Lord Bathurst an answer relative to this complaint, stating that it had been referred to Captain Barrie for a report, and giving the substance of that which he had made. It did not disprove any of the facts alleged by Mr. Downman; but I must remark that Captain Barrie was himself the officer who had sent the flag of truce, and who was responsible for the violation of it; and that, as a general principle, it was scarcely to be expected that satisfaction for an injury could ever be obtained, if the report of the person upon whom it was charged should be received as a conclusive answer to the complaint. He said he supposed the complaint itself was only the allegation of an individual, and that, naturally, reference must be made to the officer complained of for his answer to the charge. I replied that the documents I had furnished copies of, in Mr. Downman's case, did not consist merely of his allegations; there were affidavits of several other persons—taken, indeed, *ex parte*, because they could not be taken otherwise—but they were full and strong to the points, both of the violation of the flag, and of the carrying away of the slaves. He said he did not know how they could proceed otherwise, unless the affair were of sufficient importance for the appointment of commissioners by the two Governments; but he had not seen the papers, and would look into them.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, February 17, 1816.

The note respecting the slaves carried away is a reply to that which I received from Earl Bathurst in October last, as an answer to your letter to Mr. Baker, and to my letters of the 9th August and 5th September last to Lord Castlereagh. A copy of Lord Bathurst's note was transmitted to you immediately after it was received. The determination to refuse all satisfaction for this glaring violation of the treaty appeared, by the note, to be so settled and peremptory, that I thought it would be most prudent to allow some interval of time to elapse previous to exposing all the distortion of facts and perversion of argument with which it abounded. I found, upon conversation with Lord Castlereagh, that he had seen none of the papers which had passed on this question during his absence in France, and this circumstance has afforded a proper occasion for urging the discussion again.

Mr. Adams to the Right Honorable Lord Viscount Castlereagh, His Majesty's principal Secretary of State for the Department of Foreign Affairs.

NO. 13 CRAVEN STREET, Feb. 17, 1816.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States

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of America, requests the attention of Lord Castlereagh to the letters which he had the honor of addressing to his lordship on the 9th of August and 5th of September last, in relation to the slaves belonging to the citizens of the United States, carried away by the naval commanders of the British forces from places within the United States subsequently to the peace between the two countries, and in violation of the engagement in the first article of the Treaty of Ghent.

In pressing this subject once more upon the consideration of His Majesty's Government, the undersigned deems it necessary to state the terms of the stipulation in the treaty, and the facts in breach of it, constituting the injury for which he is instructed to ask redress from the justice and good faith of the British Government.

The stipulation of the treaty is as follows:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the lands herein-after mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

The facts in violation of this stipulation are, in evacuating sundry places within the United States which had been taken by the British during the war, the British naval commanders did carry away great numbers of slaves belonging to citizens of the United States. In his letter of the 5th of September the undersigned had the honor of enclosing a list of seven hundred and two slaves carried away, after the ratification of the Treaty of Peace, from Cumberland island and the waters adjacent, in the State of Georgia, by the forces under the command of Rear Admiral Cockburn, with the names of the slaves and those of their owners, citizens of the United States. A number, perhaps still greater, were carried away from Tangier island, in the State of Virginia, and from other places, lists of whom and of their proprietors the undersigned expects to be enabled in like manner to produce. The only foundation which these naval commanders have alleged for this procedure was a construction of the paragraph containing this stipulation, so contrary to its grammatical sense and obvious purport, that the undersigned is well assured if the same phrase had occurred in any municipal contract between individuals, no judicial tribunal in this kingdom would entertain for a moment a question upon it; a construction under which the whole operation of the words "slaves or other private property" was annihilated, by extending to them the limitation confined by the words of the treaty to artillery and public property.

In addition to the unequivocal import of the words, the undersigned, in his letter of the 9th of August, adduced the manner in which the article had been drawn up, discussed, and finally agreed upon, at the negotiation of the treaty, to prove

that intention of the parties had been conformable to the plain letter of the article. It was intimated in the answer to his two letters which he had the honor of receiving from Earl Bathurst, that some inconvenience might result if the parties upon whom treaties are binding were to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself on any point of controversy respecting it. In reply to which, the undersigned observes that his letter did not recur to the intentions of the negotiators, but to the intentions of the parties to the treaty, as manifested in the process of drawing up and agreeing to the article; and not even to them instead of the context of the treaty itself, but to support and maintain the context of the treaty against what he deemed a misconstruction equally at variance with the rules of grammar and the intentions of the parties.

It is observed, in Lord Bathurst's answer, that in this instance, the article as it stands was agreed to by a verbal amendment suggested by the American Plenipotentiaries to the original article proposed by the British Commissioners. Far otherwise; the original article was proposed by the American, and not by the British Plenipotentiaries. The original article proposed that, in evacuating the places to be restored, no property, public or private, artillery or slaves, should be carried away. An alteration was proposed by the British Plenipotentiaries, and its object was to limit the property to be restored with the places, to such as had been originally captured in the places, and should be remaining there at the time of the exchange of the ratifications. The reason alleged for this alteration applied only to public property. It might be impracticable to restore property which, though originally captured in the places, might have been removed from it before the exchange of the ratifications.

But private property, not having been subject to legitimate capture with the places, was not liable to the reason of the limitation; to which the American Plenipotentiaries, therefore, assented only so far as related to artillery and public property; they did not assent to it as related to slaves and other private property. It was not a mere verbal alteration which they proposed; they adhered, in relation to slaves and other private property, to their original draught of the article, while they consented to the proposed alteration with regard to artillery and public property. To this qualified acceptance the British Commissioners agreed. Nor need the undersigned remind Lord Castlereagh that the British Plenipotentiaries did not sign the Treaty of Ghent until this article, as finally agreed to, and every other important part of the treaty, had been submitted to the British Government itself, and received their sanction and approbation.

If Lord Bathurst had taken this, which is presented as the true view of the circumstances under which the article in question was drawn up and adopted, the undersigned is persuaded that he would have been spared the necessity of adverting to the following passage of his Lord-

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ship's answer, in which the undersigned trusts that some error of a copyist has left its meaning imperfectly expressed.

"It is certainly possible that one party may propose an alteration, with a mental reservation of some construction of his own, and that he may assent to it on the firm persuasion that the construction continues to be the same; and that, therefore, he may conciliate, and yet concede nothing by giving his assent."

The only sense which the undersigned can discover in this sentence, as it stands, is that a party may conciliate, and yet concede nothing, by assenting to an alteration insidiously proposed by himself. Impossible as it is that such could have been Lord Bathurst's real meaning, the undersigned is equally unwilling to believe that his Lordship intended to insinuate that, in the case of the stipulation now in question, an alteration was, on the part of the United States, proposed with a mental reservation of a construction not then avowed, which was assented to by Great Britain with a firm persuasion that, under the alteration, the construction would remain the same. The undersigned must be allowed to say that there was nothing in the transaction referred to which could justify such an insinuation; that the article, as originally drawn by the American Plenipotentiaries, and presented to the British Government, was plain and clear; that it admitted of no other construction than that for which the American Government now contends; that it avowedly and openly contained a stipulation that, in the evacuation of all the territories, places, and possessions to be restored, no slave should be carried away; that an alteration was proposed by the British Plenipotentiaries, which was accepted only in part; that in this partial acceptance the British Government acquiesced—the undersigned will certainly not say with a mental reservation to make up, by a subsequent construction of their own, for the part to which the United States did not assent; but he does deem it his duty to say, that when Great Britain proposed an alteration to that, of the meaning of which there could be no doubt, and when the alteration was accepted conditionally, and under a modification to which she agreed, she was bound to perceive that the modification, thus insisted upon by the other party, was not a mere verbal change in the phraseology of her proposal, but, so far as it extended, a substantial adherence to the original draught of the article.

It is further urged, in Lord Bathurst's answer, that the construction contended for by the American Government is inconsistent with another article of the treaty; for that it would require the restoration of the merchant vessels, and their effects, captured on the high seas, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. The undersigned is not aware how such an inference can be drawn from anything that has passed between the two Governments on the subject. Merchant vessels and effects captured on the high seas are, by the laws of war between

civilized nations, lawful prize, and, by the capture, become the property of the captors. It was never asserted by the American Government that the stipulation in question could mean that, in evacuating the places taken, within the territorial jurisdiction of either party, the other should be precluded from carrying away his own property. But as, by the same usages of civilized nations private property, is not the subject of lawful capture in war upon the land, it is perfectly clear that, in every stipulation, private property shall be respected, or that, upon the restoration of places taken during the war, it shall not be carried away; the meaning of the expressions is defined by the subject-matter to which they relate, and extends only to the property of the party from whom the place was taken, or of persons under his allegiance. But in the present case it will not be pretended that the slaves, whose removal is complained of as a breach of the compact, were the property either of His Majesty, of the naval officers in his service who carried them away, or of any of his subjects. They were the property of citizens of the United States—precisely the species of property which it was expressly stipulated should not be carried away; and, far from setting up now, as is suggested in Lord Bathurst's note, a construction not thought of when the treaty was formed, the American Government do but claim the performance of the stipulation in the only sense which could be applied to it at that time. That the British Government gave it then any other construction, was not only never communicated to the Government of the United States, but was impossible to be foreseen by them. When Great Britain had solemnly agreed, without hinting an objection, to the principle of restoring captured slaves, it could not be foreseen that the engagement would be narrowed down to nothing by a strained extension of them—of a condition limited, by the words of the treaty, to another species of property. It was impossible to anticipate a construction of an important stipulation which should annihilate its operation. It was impossible to anticipate that a stipulation not to carry away any slaves would, by the British Government, be considered as faithfully executed by British officers in carrying away all the slaves in their possession.

The undersigned concludes with the earnest hope that His Majesty's Government, reviewing the subject in the spirit of candor and of justice, will accede to the proposal which he has been instructed to offer, and make provision to indemnify the owners of slaves which were carried away in contravention to the engagement of the treaty.

He has the honor of renewing to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, March 13, 1816.

I now enclose a copy of the note sent to Lord Castlereagh, concerning the slaves taken from

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Mr. Downman, by the violation of a flag of truce sent by Captain Barrie. You will have seen, by Lord Bathurst's note, a copy of which was transmitted to you immediately after it was received, that Captain Barrie disclaims all knowledge of the fact that the slaves were taken. As it appears by the documents that one of the slaves escaped from Bermuda and returned to his master, it may probably be in Mr. Downman's power to furnish many further particulars which may be of essential use in the prosecution of this inquiry, such as the name of the vessel to which they were first sent from the flag; how, and by what vessel, and when, they were afterwards sent to Bermuda, and into whose charge they were delivered there; perhaps, even the name of the officer who bore the flag; and whether Jeffery, the surgeon's mate, for whom the flag was sent, was on board the Franklin while the slaves were there; or whether they had already been sent on board another vessel before he embarked. Barrie's statement and Lord Bathurst's note seem intended to cast doubts upon the very fact of the slaves having been taken.

[N. B. A copy of the above was sent to Mr. Downman, but no answer has been received.]

Mr. Adams to Lord Viscount Castlereagh, His Majesty's principal Secretary of State for the Department of Foreign Affairs.

13 CRAVEN STREET, March 12, 1816.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has the honor of inviting the attention of Lord Castlereagh to a letter which, on the 7th of October last, the undersigned addressed to Earl Bathurst, in relation to eleven slaves, the property of Raleigh W. Downman, a citizen of the United States, alleged to have been taken and carried away by the violation of a flag of truce sent by Captain Barrie, commander of His Majesty's ship Dragon. With this letter were enclosed copies of Mr. Downman's memorial to the President of the United States, representing the facts, and of several other documents to substantiate them; to all which the undersigned now begs leave to refer Lord Castlereagh.

The undersigned had the honor of receiving from Lord Bathurst an answer to this letter, acquainting him that Captain Barrie himself had been immediately referred to for such particulars as he might be enabled to give upon this subject, and communicating the substance of his report upon this reference.

There are many particulars in this statement of Captain Barrie, which, appearing to have no bearing upon the special object of inquiry, and tending rather to draw the attention from it to other points of discussion, might with propriety be left unnoticed, but for the insinuations that they convey. He remarks, for instance, that, at the period in question, the violation of a flag of truce was a very tender subject with him; and he refers to a previous correspondence in which he had been engaged with the commanding officer of the United States forces at Norfolk, on

want of respect paid to British flags of truce, upon occasion of one of his own having been fired upon. The undersigned might deem it sufficient to say, that this was not the subject upon which Captain Barrie was called for information. As the Captain does not recollect the violation, by his own people, of the flag sent by himself, he did not mean to allege it as a retaliation upon that of which another flag sent by him had been the sufferer. Yet he avows that, if slaves, fugitives from their masters, had been received on board a flag sent by himself, he would not have restored them to their owners without an express order from his Commander-in-Chief: a tenderness for a flag of truce upon which the undersigned forbears to comment.

Of the particular incident asserted by Captain Barrie, the undersigned has no cognizance; but, so far as this part of that officer's narrative may be understood as intending an imputation upon American officers or the American Government, of disrespect to the sacred character of a flag, the undersigned will only remind Lord Castlereagh of the repeated offers made by the Government of the United States during the war, and by the American Plenipotentiaries at the negotiation of peace, to punish every infraction of the most liberal laws of war, on their part, and to indemnify, as far as possible, every sufferer under them. It was in the power of Great Britain to have accepted these offers, on the single condition of reciprocity. The correctness of two of the documents transmitted by the undersigned to Lord Bathurst, and marked A and B, is admitted by Captain Barrie. He declares that he never received the document marked D—a circumstance acknowledged in Mr. Downman's memorial, and accounted for by the statement, that before a vessel could be procured to bear the flag with this letter, the British vessels had left the Chesapeake.

With regard to the violation of the flag of truce, and taking and carrying away of the slaves, Captain Barrie states, in general terms, that he has no recollection of any slaves ever having been received on board *any* flag of truce, during the time he was intrusted with the command of the Chesapeake squadron; and that if such a circumstance did occur, it was without his knowledge or authority.

The fact of the violation of the flag, and of the taking and carrying away of the slaves, is testified in the papers transmitted to Earl Bathurst, by the depositions, upon oath, of four witnesses; and His Majesty's Government did not consider the transaction as duly investigated, or that justice had been done to the complaining party, merely because Captain Barrie had stated the fact not to be within his recollection or knowledge. It was mentioned in Lord Bathurst's note that a communication would forthwith be made to Admiral Cockburn, for the purpose of obtaining further information upon the subject, with which, it is added, he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

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The undersigned can urge no objection to any source of information to which His Majesty's Government may deem it expedient to resort for ascertaining the facts to their own satisfaction; but he thinks it proper to suggest that there are other sources which might also tend to the elucidation of the facts. Perhaps Captain Barrie could indicate the name of the officer by whom he sent the flag. Mr. Jeffery, the surgeon's mate, whose restoration was the object of the flag, and who actually returned with it, might give some light upon the subject. The captain and officers of the Havana must be supposed to know something of the affair. But, independently of the recollection of all officers, themselves so materially and so pointedly interested in the result of the inquiry from the documents transmitted by the undersigned, it appears that one of the slaves *made his escape* from the island of Bermuda, and returned to his master. Information respecting the others might, then be easily obtained by the British Government from Bermuda. That the slaves were taken, the undersigned believes cannot admit of a doubt. How they were disposed of, is a question interesting to the solicitude which His Majesty's Government have felt upon an allegation which has been considered as implicating the character of British officers. The violation of a flag constitutes, in this instance, an aggravation which seems to call, with peculiar energy, for a complete and unequivocal investigation. The undersigned is persuaded that His Majesty's Government will feel it to be due to the complaint of the individual, to the honor of their officers, and to their own sense of justice.

He has the honor of renewing to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, March 30, 1816.

I have the honor to enclose copies of a note which I have received from Lord Castlereagh, with a report from Sir George Cockburn to the Secretary of the Admiralty, Mr. Croker, concerning the taking and carrying away of Mr. Downman's slaves. You will not fail to perceive that the admiral, like Captain Barrie, disclaims all knowledge of the transaction whatever, and that the effort and tendency of both their letters is to excite doubts with regard to the truth of Mr. Downman's statement in his memorial to the President. I have no doubt it will be easy, and beg leave to suggest it may be very important to Mr. Downman, to furnish additional evidence of the facts and particulars which may lead to the disclosure how and why the transportation, in broad day, of eleven slaves, to the British squadron, and by them to Bermuda, could be effected without the knowledge of either of the British commanding officers.

J. Q. ADAMS.

SECRETARY OF STATE.

Lord Castlereagh to Mr. Adams.

FOREIGN OFFICE, March 26, 1816.

The undersigned has had the honor of receiving Mr. Adams's note of the 11th instant, respecting the slaves asserted by Mr. Downman to have been carried away from his estates by a flag of truce, contrary to the usages of war.

The undersigned has now the honor of transmitting to him a report which has been recently received from Rear Admiral Sir George Cockburn; and as soon as the further reports which the Admiral has promised to make upon the arrival of Captain Hamilton at the anchorage off St. Helena shall be received, the undersigned will not fail to communicate it to Mr. Adams, being not less anxious than himself upon a case in which a flag of truce is stated to have been violated.

The undersigned begs to renew to Mr. Adams the assurance of his high consideration.

CASTLEREAGH.

JOHN Q. ADAMS, Esq., &c.

Admiral Cockburn to Mr. Croker.

NORTHUMBERL'D, (St. Helena Roads,)

February 9, 1816.

SIR: With reference to Mr. Barrie's letter (No. 15) of the 3d of November, and its enclosures, respecting certain slaves stated to have been carried away from the American shore within the Chesapeake, by a British flag of truce, in the month of December, 1814, I lose no time in begging you to acquaint their Lordships that I have no knowledge whatever of such transaction, nor is mention made of any such in my various documents of that period, though His Majesty's ships then in the Chesapeake, and on the adjacent coasts, were all acting under my immediate orders, and, consequently, made all their reports to me.

Mr. Downman's memorial to Mr. Madison induces me, however, to mention to their Lordships that, from my first entering the Chesapeake, in March, 1813, until the conclusion of the war, the said inland navigation was never left without several of His Majesty's ships; and when I quitted it in December, 1814, with a part of the squadron, I left there three frigates and two sloops under the orders of Captain Clavelle, of the Orlando, with whom communications from the land were held by means of flags of truce, from one extremity of its shores to the other, as will appear by two of the paragraphs extracted from letters I received about the same period from that officer, (herewith enclosed;) and the first paragraph will show (in reply to a part of Colonel Chawning's letter) that it was not uncustomary to trust the tender in question (which was the one attached to and manned from the Havana) up the Rappahannock river with hostile views. After the proclamation, which was issued on this subject, the slaves were constantly coming, at all risks, to our ships, tenders, and boats, &c., for protection, which occasioned our squadron to be visited by Americans under flags of truce, asking the restoration

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of these unhappy people, under various pleas; and I cannot help thinking that, if the transactions in question had really taken place, as set forth by Mr. Downman, it would have come before me, either through Captain Clavelle or through some other channel, previous to quitting the station, as I continued not only upon the coast, but actually on shore in America, until after the ratification of the Treaty of Peace, and was to the last in the habit of receiving letters on such subjects from all parts of the country, Washington not excepted.

The Havana being now upon this station, and it being possible that some of the officers and people who were in the tender may be still on board the frigate, I will, whenever she returns to this anchorage, cause Captain Hamilton to make every inquiry and report to me thereupon; and I shall not fail to transmit it to their Lordships by the earliest opportunity afterwards, at which time I will also return the several papers which have been transmitted to me referring thereto.

I have the honor to be, &c.

GEORGE COCKBURN.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, April 15, 1816.

Since this interview with Lord Castlereagh, I have received from him a note respecting the slaves carried away from the United States after the ratification of the peace. A copy of it is enclosed. To reply to it at present would be to no purpose. I shall wait for your further instructions.

Copy of a letter from Lord Castlereagh to Mr. Adams.

APRIL 10, 1816.

The undersigned has the honor to acknowledge the receipt of Mr. Adams's note of the 17th of February, claiming, on behalf of the United States, all such slaves belonging to their citizens as had been carried away by the naval commanders of the British forces from places within the United States, subsequently to the peace between the two countries.

The grounds upon which His Majesty's Government felt themselves compelled to withhold their acquiescence in the claim of the United States, as preferred in Mr. Adams's former note of the 9th of August, have been already fully explained by Lord Bathurst in his communication of the 2d of October. It does not, therefore, appear to the undersigned to be requisite again to discuss at any length the construction of the first article of the Treaty of Ghent. Agreeing entirely in the arguments urged by Earl Bathurst on this subject, the undersigned can never admit that construction of the article to be the true one, which would apply to the restoration of slaves a different rule from that applicable to private property; or which, admitting that the restoration of private property, slaves inclusive, is to be subjected to some limitations, applies to it a different

degree of limitation from that conveyed in the words immediately preceding.

His Majesty's Government have always been ready to admit the most liberal construction of the article in question. They have never pretended to resist the claim of the United States to indemnification for slaves or private property belonging to their citizens, which can be proved to have been in places directed to be restored by the Treaty of Ghent, at the date of the exchange of the ratifications, and to have been afterwards removed. But they do, and must ever deny that the United States can have any claim to property not actually in the places which, by the stipulations of the treaty, were to be restored at the time specified therein; because such a claim is utterly inconsistent with the provisions of the treaty, and is equally unsupported by anything which passed in the discussion of that treaty, or even by the original project of that treaty, as offered by the American negotiators.

That project, indeed, required that the places should be restored, without carrying away any private property. If it had been, then, intended to provide for the restoration of all private property originally captured in the places, instead of prohibiting its removal, the article would have positively enjoined the restoration. What had been previously removed could not become the subject of the prohibition; for not being in the place to be restored, it could not be carried away. Under this project, therefore, a removal previous to the ratification of the treaty was admitted, to bar the claim of the United States, without reference either to the distance to which the property had been removed, to the actual state of the property, whether on shipboard or on British territory, or to the length of time which had elapsed since its removal.

The undersigned, therefore, considers it impossible to maintain that the insertion of the words "originally captured in the said places, which shall remain therein upon the exchange of the ratifications of this treaty," (words which must be admitted, at least, of a restrictive nature,) can have given to the original proposition of the American Plenipotentiaries a greater latitude than it originally possessed.

The undersigned trusts that the Government of the United States will, upon these considerations, not be disposed further to urge the general claim to indemnification which was the subject of Mr. Adams's former notes. Animated with a sincere disposition to act towards all Powers with the strictest justice and good faith, His Majesty's Government will be most happy to attend to any representation on the part of the United States which may have for its object the restoration or indemnification for the loss of property of her citizens actually removed from places within the territory of the United States subsequent to the ratification of the Treaty of Ghent. But, at the same time, the undersigned cannot consider any property which had been, previous to the ratification of the treaty, removed on shipboard, as property forming a subject of such representation.

State of the Finances.

The undersigned begs to renew to Mr. Adams the assurances of his high consideration.

CASTLEREAGH.

Extract of a letter from the Secretary of State to Mr. Adams, dated

MAY 21, 1816.

Should the British Government persevere in its construction of the first article of the late Treaty of Peace, respecting slaves carried off in violation, as we presume, of its obvious import, the President is willing to refer the question to the decision of some friendly Power, which you will propose. A reference is suggested, by provisions in the treaty, applicable to anticipated differences in other instances; indeed, where such differences exist, no better mode can be adopted for settling them in a satisfactory manner. In this instance the interest is too important to be neglected. It is impossible that the opinion of the British Government can be more decided than that of the United States. There is no reason, therefore, why the United States should yield to the opinion of Great Britain, more than that Great Britain should yield to that of the United States.

Extract of a letter from Mr. Adams to Lord Castlereagh, dated

SEPTEMBER 17, 1816.

"4th. Slaves carried away from the United States by British officers after the peace."

As the construction given by His Majesty's Government to the first article in the Treaty of Ghent, in reference to the slaves carried away from the United States by British officers, after the ratification of peace, is so directly at variance with the construction which the American Government think alone applicable to it, the undersigned has been further instructed to propose that this question should be submitted to the decision of some friendly sovereign. This reference is suggested by provisions in the Treaty of Ghent itself, applicable to the contingency of differences in other instances; and it is conceived that, when such differences exist, no better mode can be adopted for settling them in a satisfactory manner.

Viscount Castlereagh to Mr. Adams.

SEPTEMBER 28, 1816.

SIR: I very much regret that the absence from London, at this season of the year, of several of the Prince Regent's Ministers, will preclude me from returning as early an answer to your note of the 17th as I should wish, under the sense I entertain of the great importance of the several objects to which it invites the attention of this Government.

I have myself obtained the permission of the Prince Regent to make a short excursion to Ireland on my private affairs; but I shall certainly return to London by the middle of November, and shall lose no time, as soon after that period

as my colleagues shall be reassembled, to bring the various subjects referred to in your note under their deliberation.

I request you will accept the assurance of the high consideration with which I have the honor to be, &c.

CASTLEREAGH.

JOHN Q. ADAMS, Esq., &c.

STATE OF THE FINANCES.

[Communicated to Congress, December 3, 1816, by the President of the United States in his annual Message, of which the following is an extract.]

"For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the Department were executed, during a period remarkable for its difficulties and its peculiar perplexities."

Extract of a report of the late Secretary of the Treasury to the President of the United States.

The Secretary of the Treasury has the honor to submit to the President of the United States the following general sketch of the finances, with reference to the 1st of August, 1816, comprehending—

- I. A view of the sources of revenue, and the objects of public expenditure;
 - II. A view of the fiscal measures during 1816.
- I. *A view of the sources of revenue, and the objects of public expenditure.*

REVENUE.

The return of peace enabling the Legislature to alleviate the burdens imposed by the necessities of the war, Congress, during the last session, discontinued or reduced the following duties and taxes:

1. The acts imposing duties upon articles of domestic manufacture were repealed.
 2. The act imposing duties on furniture and watches was repealed.
 3. The duties imposed on licenses to retailers of foreign merchandise, &c., were reduced.
 4. The duties imposed on spirits distilled within the United States were reduced, and the collection modified.
 5. The rates of postage were reduced.
 6. The direct tax was reduced from \$6,000,000 to \$3,000,000, and imposed for one year only.
 7. The double duties on merchandise imported were discontinued, and a new tariff established.
- The discontinuance and reduction of the duties

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and taxes (independent of the impost) may be estimated at the annual amount of \$8,000,000 with the contingent diminution of \$3,000,000 more, if the direct tax should not be continued after the year 1816.

But the remaining sources of revenue were ample for the maintenance of the public credit, and the prosecution of a liberal and provident policy. They consist—

1. Of the customs, including the duty upon salt, according to the new tariff of duties.
2. Of the direct tax imposed for 1816.
3. Of internal duties on stamps;

Ditto	on licenses to retail;
Ditto	on spirits distilled;
Ditto	on refined sugar;
Ditto	on carriages and harness;
Ditto	on sales at auction.
4. Of postage.
5. Of the product of fines, penalties, and forfeitures, and other miscellaneous receipts.
6. Of the proceeds of the sales of public lands.

To these sources of revenue must be added the auxiliary authority to issue Treasury notes, of various denominations, and to raise money upon loan. The authority was necessary in anticipation of the revenue, throughout the year 1815, to meet the arrearages of the war expenditure; to discharge the floating public debt of Treasury notes and temporary loans; and to pay the instalment of the principal, and the interest of the public funded debt. But the Treasury would no longer require the aid of loans or Treasury notes, if the facilities for transferring its funds from place to place had not been destroyed when the national currency became extinct.

The Committee of Ways and Means have heretofore estimated the annual product of the customs, according to the new tariff of duties, at about the sum of \$17,000,000, and, although for the present year the amount will be much greater, in consequence of the late excessive importations, the estimate of the committee may be accepted as a just measure of the permanent annual product of the customs for the purposes of the Peace Establishment. The annual product of the direct tax, the internal revenues, and the sales of public lands have, in like manner, been estimated at about the sum of \$7,000,000; making, upon this general view, and supposing a continuance of the direct tax, a permanent annual income of \$24,000,000.

EXPENDITURE.

It is not intended, in this preliminary view of the objects of the public expenditure, to embrace the temporary objects arising from the war, but those only of a permanent nature upon a Peace Establishment, which have heretofore been estimated at an annual aggregate of about \$24,000,000.

1. For civil, diplomatic, and miscellaneous expenses.
2. For military expenses, including the Indian Department, and the armament of the militia.
3. For the naval expenses, including the annual appropriations for the purchase of timber, and the gradual increase of the navy.

4. For the instalment and interest payable on funded public debt.

It is proper to remark that temporary loans and Treasury notes, issued under the authority of acts, passed prior to December, 1814, were chargeable on the Sinking Fund; but as the current revenue will afford the means to satisfy those demands, in the course of a few months, the floating debt is not enumerated with the objects of annual expenditure.

It is also proper to remark that the principal of the Louisiana stock is reimbursable at the Treasury of the United States in four annual instalments, commencing in 1818; and that, by the operation of the Sinking Fund, the old six per cent. stock will be extinguished in 1818, the deferred stock in 1824, and the Louisiana stock in 1822. The stock created on account of the war debt is charged upon the Sinking Fund, and becomes redeemable at various periods between the years 1825 and 1828.

For the details, connected with this general view of the resources of the revenue, and the objects of public expenditure, it is sufficient to refer to the annual report from the Treasury Department, dated the 6th of December, 1815, the report on the subject of the new tariff of duties, dated the 12th of February, 1816, and the report of the Committee of Ways and Means, dated the 9th of January, 1816. The sequel of the present sketch of the finances will likewise serve the purposes of explanation and illustration.

II. A view of the Fiscal Measures during 1816.

In various communications from this Department to Congress, the injurious effects of the suspension of payments in coin upon the administration of the finances have been anxiously represented. For the immediate object of the present report it is proper to repeat some of them:

1. The Treasury has been compelled to accept the payment of the duties and taxes in the local currency of the respective places of payment.

The comparative value of the local currencies appeared, in some degree, to render this course of payment unequal; but the alternative was either to adopt it, or to abandon the hope of collecting the revenue in any convertible medium for satisfying the public engagements. The rule was, therefore, declared that the Treasury would receive and pay in the notes of banks circulating at par at the respective places of receiving and paying. For a time, the test of the fact that the notes did circulate at par was the agreement of the banks, employed as the depositories of the public revenue, to credit them as cash in the Treasurer's accounts; but when the principal banks withdrew that accommodation, and refused to credit, as cash, any bank notes but those which they had themselves respectively issued, the fact of the circulation at par was necessarily left to its own notoriety, and the official responsibility of the collectors. Few notes, except the notes of the local banks, continued to circulate at par; and such as did so circulate were received by the banks upon special deposit for safe-keeping, con-

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stituting a discredited fund, upon which the Treasurer could only occasionally draw.

The operation of this measure was, undoubtedly, severe in many of the collection districts, particularly in the States where the banks, preparing for the resumption of coin payments, had so reduced the issues of their paper as to render the circulating amount insufficient for the demand. But it was not in the power of the Treasury to dispense with the general rule. If notes, not circulating at par, had been received in one district, they must have been received in every district; and there existed no mode of discriminating between notes to be received, and notes to be rejected, either as to the bank, or the place, at which they were issued. The inevitable consequences must have been that the duties and taxes would everywhere be paid in the most depreciated paper; and that the medium thus received could never be employed to discharge the demands upon the Treasury, even at the places of receiving it. The revenue would accumulate in the Treasury only to perish there; while the expedient, of substituting Treasury notes to meet the public engagements, led to an indefinite augmentation of the national debt.

2. The Treasury has been compelled to augment the amount of national debt, both funded and floating, by issues of Treasury notes to meet the public engagements at places where it could not command the local currency.

Throughout the Eastern States the Treasury has hitherto failed to command an amount of the local currency equal to the amount of the local demands. The banks of those States, fettered by the stipulations of their charters, could not follow the example of the banks of the other States in the suspension of coin payments; but their issues of notes have been very limited, and the necessities for a circulating medium have been principally supplied by Treasury notes, and partially by the notes of the Bank of New York. Under these circumstances the revenue in the Eastern section of the Union has been, almost entirely, collected in Treasury notes. Inferior difficulties, from similar causes, have occurred in some of the Southern States; where, also, the accruing revenue was less in proportion to the demands which the arrearages of the war, as well as the current expenditures, pressed upon the Treasury.

From these considerations it is obvious that the public credit could only be maintained, and the public service could only be effected, even with an ample revenue, with the use of the auxiliary means afforded to the Treasury, in the authority to borrow money and issue Treasury notes. Little use, however, has been made of the authority to borrow since the closing of the loan of 1815; but the warrants of the War and the Navy Departments, as well as the dividends payable on the public funded debt, have required a considerable issue of Treasury notes. The Treasury notes bearing interest, and fundable at six per cent. have been generally disbursed in payment for services and supplies; and the Treasury notes, not bearing interest, but fundable at seven per

cent., have been generally disbursed in payments on account of the funded debt, and the compensation of members of Congress. The effect of these measures will be more particularly stated hereafter.

Thus it cannot escape observation that a cause unconnected with the late war, and which exists without the agency or the authority of the Government, will probably so augment the amount of the funded and floating debt as to render nugatory the estimates and calculations which have been made on other occasions in relation to that subject. The restoration of a uniform national currency can alone terminate this evil.

3. The Treasury has been involved in the difficult and delicate task of designating the medium in which the warrants drawn by the heads of Departments should be respectively paid.

The revenue is collected throughout the Union, but the amount of the collection is very different in different places; and it has happened, not unfrequently, that the demand for payment was the greatest where the means of payment were the least. The rule, which has already been mentioned, was applied, whenever it was practicable, by directing warrants to be paid at the places of rendering the services, or furnishing the supplies, for which they were respectively granted. But if the Treasury possessed no funds at those places the differences of exchange rendered it extremely difficult to locate the payment of the warrants in a manner equitable, impartial, and satisfactory. For some months after the war the Treasury was scantily supplied with the local currency of every place, except the District of Columbia and the city of Baltimore; and, consequently, during that period, the warrants which could not be discharged at the seat of the original transaction were paid in the currency of the District or of Baltimore. The progressive accumulation of the revenue opened a wider scope for payments, enabling the Treasury to draw next upon the banks of Philadelphia, and, more recently, upon the banks of New York. The public funds in the banks of the Southern and Western States having, also, become generally adequate to the local demands, it may now be considered that the active resources of the Treasury are co-extensive with the Union, excepting always the Eastern section. The difficult task of locating the payment of warrants still, however, continues, and must continue, as long as the differences of exchange shall operate. It is fiscally impossible to pay all the demands upon the Treasury at one place, and every holder of a warrant is naturally desirous to be paid at the place where the medium is of the highest current value. Under such circumstances it is to be expected that individuals will sometimes feel disappointment and express dissatisfaction; but it has been the constant and anxious endeavor of the Treasury to perform its arduous task, in the exercise of a sound discretion, guided by the requisitions of the departments, by the origin and nature of the debt, and by the state of the public funds.

4. The Treasury has been compelled to increase

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the number, and extend the range of banks employed as the depositories of the public revenue, with consequences unavoidably inconvenient and injurious.

As soon as the differences of the current value of bank notes were introduced, and particularly when one bank refused to credit as cash a deposit of notes of another, the Treasury was drawn to a choice of expedients; that is, either to take the hazard of accumulation of masses of revenue in the hands of the individual collectors and receivers, or to recognise, as places of deposit, the banks (being, however, banks of unquestioned solidity) established in the districts which were most affected by the course of the exchanges. Many powerful reasons led to an adoption of the latter measure; instructions were issued to the collectors and receivers to act accordingly; and the number of banks thus necessarily employed by the Treasury from Maine to Louisiana may be stated at ninety-four.

To the inconveniences incident to this multiplication of the places of deposit, was added the complexity inevitably arising from the various kinds of paper in circulation as money upon some of which minute calculations were required. Generally speaking the Treasury has with each bank four accounts:

An account of cash, meaning (in the absence of coin) the local currency.

An account of special deposits of bank notes, being notes issued by banks other than the depository.

An account of special deposits of Treasury notes bearing interest.

An account of deposits of small Treasury notes not bearing interest.

Owing to this untoward condition of the machinery for the collection, custody, and distribution of the revenue, to the great extension of the business of receipts and expenditures, and to several accidental causes, the punctual statement and settlement of the Treasurer's accounts have been found practicable. To expedite and facilitate, however, the accomplishment of that object proceedings have been instituted to withdraw the Treasury notes from the banks, for the purpose of cancelling them; to ascertain the character of the bank notes upon special deposit, for the purpose of claiming payment, or an effective credit from the banks which issued them; and to induce the banks of the interior to transfer the Treasurer's balances, from time to time, to the banks of the commercial cities on the Atlantic, for the purpose of a periodical settlement: the success of these proceedings, the operation of the Bank of the United States, the collection of the revenue in the lawful currency, and, above all, the improvements contemplated by Congress in the constitution of the Department, are objects of high and urgent importance, demanding constant vigilance and care.

The successive attempts made by this Department to relieve the administration of the finances from its embarrassments have been ineffectual. There was no magic in a mere Treasury instruc-

tion to the collectors of the revenue, which could, by its own virtue, charm gold and silver again into circulation. The people, individually, did not possess a metallic medium, and could not be expected to procure it, throughout the country, as well as in the cities, by any exertion unaided by the banks. And the banks, too timid, or too interested, declined every overture to a co-operation for reinstating the lawful currency. In this state of things the Treasury, nay, the Legislature, remained passive. The power of coercing the banks was limited to the rejection of their notes in the payment of duties and taxes, and to the exclusion of their agency in the custody and distribution of the revenue; but the exercises of that power would not generate a coin currency; although it would certainly act oppressively upon the people, and put at hazard every sum of money which was due to the Government. Until, therefore, a substitute was provided for the paper of the banks, it would have been a measure of useless and impolitic severity towards the community to insist that all contributions to the expenses of the Government should be paid in medium, which, it is repeated, the community did not possess, and could not procure.

The opinion here expressed has been the opinion of all the States, except the Eastern States. In the Southern and Western States the payments in coin had been suspended; and in most of them the notes of the local banks constituted the general circulating medium; for the Treasury note medium circulated, almost exclusively, in the commercial cities. The obvious difference between the situation of the Eastern section, and the other sections of the Union, naturally produced a difference of interests, and of dispositions, upon the question of resuming payments in coin. The Eastern section urged the measure at all hazards. The other sections, and particularly the middle section, objected to it; each bank professing, nevertheless, a willingness to adopt it, upon a simultaneous and general movement of the banks, directed to that object. With respect to the Eastern section, a peremptory requisition for a return to payments in coin would have left the circulating medium, for the ordinary uses of the people, much the same, in quantity and kind, whether the distant banks conformed to it or not. But, with respect to the other sections, such a requisition, if the local banks did not conform to it, must have deprived the people of their only means of paying the public taxes, and of transacting the pecuniary business of life. It was not, then, an insensibility to the pernicious course of banking which had, of late, been pursued, nor a disposition to relinquish the cardinal policy of restoring the lawful national currency, that induced this Department, during the year 1815, to acquiesce in the state of the currency, such as it was found when the present Secretary was appointed, and such as it had been left by Congress, after the deliberations of a six months session, but the acquiescence (painful as it was) proceeded entirely from a sense of duty to the Government, and of justice to the community; from a solici-

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tude to preserve the public revenue, as well as to prevent private distress; and from a conviction that the legislative wisdom and authority were alone competent to provide the means of removing the great evil that existed, without incurring the danger of introducing a greater evil.

The result of the proceedings of the last session of Congress has justified the opinion, and realized the hope which was formed. The establishment of the Bank of the United States will open the sources of a uniform currency, independent of the State banks; and, as the people will be thus supplied with a medium, which can be used for every public and private purpose, the peremptory requisition of the resolution of Congress, for the collection in the lawful money of the United States after the 20th of February, 1817, becomes at once just, politic, and practicable.

The steps which were taken to organize the Bank of the United States, the early and satisfactory completion of its subscriptions to its capital, and the advertisement appointing the 28th of the ensuing October for the election of directors by the stockholders, have been, heretofore communicated to the President, together with the letter which was addressed to the Bank Commissioners at Philadelphia, recommending that they should provide a place, and materials, proper and requisite for commencing the operations of the institution, as soon as the directors shall be chosen. The general solidity of the subscribers as capitalists, and the extensive distribution of the stock, throughout the Union, have confirmed the public hope and confidence in the competency of the bank to accomplish the great objects for which it is established.

As soon as it appeared, upon reasonable calculation, that the subscription to the capital of the Bank of the United States would be filled, a proposition was offered for the consideration of the State banks for commencing the payments of small sums in coin, on the 1st day of October next, upon principles, which, with the approbation of all the members of the Administration, were stated in the report made to the President on the 24th June, 1816. The terms of the resolution of Congress seemed, indeed, to require from the Treasury Department an effort to facilitate the restoration of the lawful currency, even before the 20th of February, 1817; and, short of a general return to that currency, nothing was thought more likely to be acceptable and useful than the proposition in question. But the effort has failed. The State banks, with few exceptions, have deemed a partial resumption of coin payments inexpedient; and the banks of the Middle States (New York, Pennsylvania, and Maryland) have intimated that, about the 1st of July, 1817, will be the proper period for resuming the banking operations on the basis of a metallic capital.

The rejection of the Treasury proposition is regretted. Upon principle there is no good reason why a debtor should not pay a part of his debts although he cannot pay the whole; nor

why he should refuse to pay his small debts, because he cannot pay the large. Upon experience, banks (for instance, at this epoch, the Bank of England) have been in the practice of paying coin for their notes of a low denomination, while they refused that kind of payment for notes of a high denomination; and, upon policy, it is clear that the payment of small notes in coin would soon beget confidence in bank paper of any amount; and, consequently, render a general payment in coin easy and safe. The quantity of small notes abroad, the probability of a run through that medium upon the banks, and all the terrors which bankers and brokers may feel or imagine, will furnish no argument against the proposition for a partial resumption of coin payments at this time, which will not be more forcible against a general resumption at all times. But it is impossible to pass from disease to health without some suffering; and the banks cannot expect to recover from the disorders of the present banking system without encountering risks, and impairing profits. The rejection of the proposition has, however, constrained the Treasury to limit its exertions to preparatory arrangements for the general collection of the revenue in the lawful currency after the day prescribed by the Legislature.

But referring the period, for a general resumption of payments in coin, to a day so distant as the 1st of July, 1817, (several months subsequent to the time prescribed by Congress for the collection of the revenue, in the lawful currency, as well as the time when the operations of the Bank of the United States might be expected to commence,) is a measure of the most serious character, indicating a dangerous reliance of the State banks upon a change in the policy, or a relaxation in the energy of the legislative authority. Its effects, if unresisted, or if fostered by a temporising disposition on the part of the Government, must be to embarrass the Bank of the United States in the onset; to confine the issues of the notes of the national bank to the amount of the coin in its vaults, to deprive the people of the means of complying with the resolution of Congress for the collection of the revenue in coin, and to preserve to the State banks an illegitimate control over the money and currency of the nation. To the wisdom, patriotism, and virtue of Congress, therefore, an appeal must be made; nor can it be supposed that the State authorities will remain insensible to so calamitous a state of things. The powers of the Government, vigorously and steadily exercised, are ample for redress and relief; and it is yet hoped that the State banks will perceive and avoid the ruinous consequences to which the threatened conflict inevitably exposes them. The second instalment to the subscriptions of the United States being paid, the price of gold and silver being obviously in a rapid course of reduction, the means possessed by the banks to reinstate their metallic capitals being faithfully applied to that object, a spirit of mutual conciliation and good will actuating the national and State institutions, and, in short, a solid found-

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dition of public confidence being thus laid, what have the State banks to apprehend from a return to coin payment when the national bank shall commence similar payments, (say in January next,) or when similar payments shall be exacted from the people in the collection of duties and taxes, on the 20th of February, which will not be equally operative on the 1st July, 1817? The sincerity, and the honor of the directors of the State banks, who have proposed the last date as the proper period for all the important reform contemplated, will not be impeached or doubted; but there is no legal obligation to conform to the proposition; and the occurrence of new incidents, or the perception of other views, may, hereafter, be thought to justify a change of council and of conduct. There is, then, no security for the Government, or the community, but in the inflexible adherence to the system which Congress has adopted.

Having reviewed the general course of the Treasury, as connected with the state of the currency, it becomes proper to exhibit more particularly the fiscal results; 1st, in relation to the appropriations and payments for the year 1816; 2dly, in relation to the receipts at the Treasury in 1816; 3dly, in relation to the public debt; and, 4thly, in relation to the miscellaneous business of the Department. It must, however, be remembered that, until the accounts of the Treasurer shall be finally balanced and settled, the statements, which have been officially furnished by the Register for the immediate purposes of the present report, are to be regarded in the light of estimates, subject to such changes as the ultimate examination of the accounting officers may produce. But it is not believed that any essential variance will occur.

1st. Of the appropriations and payments for the year 1816.

The demands authorized to be made by acts of appropriation on the Treasury for the year 1816, (independent of the unsatisfied balances of appropriations for former years, not carried to the surplus fund,) amounted to the sum of - \$32,475,303 93

For the Civil Department, foreign intercourse, and miscellaneous expenses, the sum of	-	-	-	-	\$3,540,770 18
For the Military Department	-	-	-	\$794,250 75	
Arrearages	-	-	-	8,935,372 00	
					16,729,622 75
For the Naval Establishment	-	-	-	-	4,204,911 00
For the public debt	-	-	-	-	8,000,000 00
					<u>\$32,475,303 93</u>

The payments made at the Treasury, on account of the above appropriations, stated to the 1st day of August, 1816, amounted to the sum of - 26,332,174 89

For the Civil Department, foreign intercourse, and miscellaneous expenses the sum of	-	-	-	-	\$1,829,015 02
For the Military Department	-	-	-	\$4,235,236 75	
Arrearages	-	-	-	8,935,372 00	
					13,170,608 75
For the Naval Department	-	-	-	-	1,977,788 50
For the public debt, (\$1,354,762 62, being part of the balance of the preceding year's appropriations,)	-	-	-	-	9,354,762 62
					<u>\$26,332,174 89</u>

To be credited, however, with the sum of \$1,354,762 62, taken as above stated, from the last year's balance of appropriations for the public debt - \$6,143,129 04

But it is estimated that the demands on the Treasury, from the 1st of August to the 31st December, 1816, will amount to to the sum of - \$12,413,524 33

For the Civil Department, foreign intercourse, and miscellaneous expenses	-	-	-	-	\$1,629,494 90
For the Military Department	-	-	-	-	3,579,236 66
For the Naval Department	-	-	-	-	2,986,432 77
For the public debt, including the payment to be made on the 1st of January, 1817	-	-	-	-	4,218,360 00
					<u>\$12,413,524 33</u>

And the unexpended balance of the appropriations for 1816, amounting only, as above stated, to the sum of - 6,143,129 04

There is a general deficit in the appropriation, for which provision must be made by law, amounting to the sum of - 6,270,395 29

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Connected with these statements it may be useful to add, that, of the appropriations granted prior to the 1st of January, 1816, there remained on that day, unexpended, the sum of - \$7,972,277 86

For the Civil Department, foreign intercourse, and miscellaneous expenses	-	-	-	-	-	\$2,562,363	51
For the Military Department	-	-	-	-	-	20,222	66
For the Naval Department	-	-	-	-	-	759,310	27
For the public debt	-	-	-	-	-	4,630,381	42
						<u>\$7,972,277</u>	<u>86</u>

And at the end of the year 1816, the appropriation for the Military Department, the Naval Department, and the public debt will probably be exhausted; but there will remain an unexpended balance of the appropriations for the Civil Department, foreign intercourse, and miscellaneous expenses, estimated at about the sum of - \$2,642,623 77

2d. Of the receipts into the Treasury in 1816.

It is not within the scope of this report to enter into the details of that portion of the revenue which has accrued, but has not become payable, nor to distinguish between the amount produced under the old or war, or under the new or peace system of revenue. The main object is to exhibit the actual receipts of revenue at the Treasury from the 1st of January to the 1st of August, 1816, and which have arisen from the following sources:

1. From cash in the Treasury, (deducting an item of \$6,692,407 55 in Treasury notes, which have been paid for duties and taxes,) as subject to the future settlement of the Treasurer's accounts, at - \$6,298,652 26

2. From revenue, including what was outstanding at the commencement of the year, to wit:

Customs, (subject to a deduction for debentures paid during the same period, of \$1,829,564 33,) -	-	-	-	-	-	\$21,354,743	74
Direct tax, (independent of the assumed quota,) -	3,050,000	00					
Assumed, after deducting 15 per cent. by New York -	365,320	38					
Do. do. by Ohio -	88,527	62					
Do. do. by South Carolina -	129,119	66					
Do. do. by Georgia -	80,696	02					
						3,713,963	68
Internal duties -	-	-	-	-	-	3,864,000	00
Postage and incidental receipts -	-	-	-	-	-	127,025	38
Sales of public lands, excluding \$211,440 50 received in the Mississippi Territory, but to be paid to Georgia -	-	-	-	-	-	676,710	40
						<u>29,736,443</u>	<u>20</u>
Total amount of receipts from the revenue and cash in the Treasury -	-	-	-	-	-	36,035,095	46

3. From loans and Treasury notes:

Loans—6 per cent. stock of 1814 -	-	-	-	-	-	204,889	23
Do. do. -	-	-	-	-	-	87,902	08
Do. of 1815 -	-	-	-	-	-	335,447	90
Seven per cent. stock, by the issue reissued, and sale of small Treasury notes which were funded -	-	-	-	-	-	4,289,089	00
						<u>4,917,328</u>	<u>21</u>
Total amount of receipts from loans -	-	-	-	-	-	-	-
Treasury notes, of the new emission, bearing interest -	-	-	-	-	-	\$2,868,900	00
Of small Treasury notes -	-	-	-	-	-	2,004,597	00
						<u>4,873,497</u>	<u>00</u>
Total amount of receipts from Treasury notes -	-	-	-	-	-	-	-

Making the amount received into the Treasury, from the 1st January to 1st August, 1816, including the cash in the Treasury at the former date, the sum of - \$45,825,920 67

Aud, as it is computed that between the 1st of August and the 31st of December, 1816, there will be further received at the Treasury the sum of - 19,876,710 40

From the customs -	-	-	-	-	-	\$16,500,000	00
The direct tax -	-	-	-	-	-	1,000,000	00
Internal revenue -	-	-	-	-	-	1,600,000	00

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The sales of public lands, excluding the receipts in the Mississippi Territory, to be paid to the State of Georgia	-	-	676,710	40
Postage and incidental receipts	-	-	100,000	00
			<u>\$19,876,710</u>	<u>40</u>

Making the whole of the estimated receipts for the year 1816, the sum of - - 65,702,631 67

SUMMARY.

- First.* 1. From the foregoing estimates and statements, it appears that the receipts into the Treasury, (including the cash on deposit at the commencement of the year 1816,) from the 1st of January to the 1st of August, 1816, may be stated, subject to such alterations as shall occur in the final settlement of the Treasurer's accounts, at - - \$45,825,920 67
2. And that the payments at the Treasury for the same period may be stated at - - 26,332,174 89

Making an excess of receipts beyond the payments at the Treasury, from 1st January to 1st August, 1816, at - - - - \$19,493,745 78

- Second.* 1. From the foregoing estimates and statements it appears that the receipts at the Treasury, as above stated, from the 1st of January to 1st of August, 1816, excluding the amounts in the Treasury at the first date, have amounted to - - \$39,527,268 41
2. And that the probable receipts at the Treasury, from the 1st of August to the 31st of December, may be estimated at - - 19,876,710 40

Making the whole of the estimated receipts at the Treasury, for 1816, exclusive of the cash in the Treasury on the 1st of January, the sum of - - \$59,403,978 81

3. But, from the foregoing statements, it also appears that the payments at the Treasury, from the 1st of January to the 1st of August, 1816, amounted to the sum of - - \$26,332,174 89
4. And that the demands on the Treasury, from the 1st of August to the 31st of December, 1816, are estimated at the sum of - - 12,413,524 33

Making the whole of the estimated payments and demands at the Treasury, for 1816, the sum of - - - - 38,745,699 22

And leaving an excess of the estimated receipts beyond the estimated payments and demands at the Treasury, for 1816, exclusive of the sum in the Treasury on the 1st of January, 1816, amounting to - - - - 20,658,279 59

A general statement of the sums paid monthly at the custom-houses for duties on merchandise imported into the United States, and of the sums repaid monthly upon debentures issued for the drawback of the duties on importation, has been prepared, embracing the period from March, 1815 to July, 1816, both months inclusive. From this document it appears,

1. That the aggregate of the duties received at all the custom-houses of the United States, during the above specified period, amounts to the sum of - - \$28,271,143 50
2. That the aggregate of the debentures paid during the same period, amount to the sum of - - 2,624,421 66

Leaving the amount of duties, for the above specified period, (subject only to a deduction of the expenses of the collection,) at the sum of - - \$25,646,721 84

3. That the aggregate of the duties received at the custom-houses of the United States, from March to December, 1815, both months inclusive, amounts to the sum of - \$8,916,309 76
4. That the aggregate of the debentures, paid during last-mentioned period, amounts to the sum of - - 794,857 33

Leaving the amount of duties for the last-mentioned period, (subject only to a deduction for the expenses of collection,) at the sum of - - \$6,121,542 43

5. That the aggregate of the duties received at all the custom-houses of the United States, from January to July, 1816, both months inclusive, amounts to the sum of \$21,354,743 74
6. That the aggregate of the debentures, paid during the same period, amounts to the sum of - - 1,829,564 33

Leaving the amount of duties for the last-mentioned period, (subject only to a deduction for the expenses of collection,) at the sum of - - \$19,525,179 41

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The districts in the United States have contributed in very different proportions to the results, in the collection of the customs, which have been thus generally stated. The following abstract will afford a comparative view of the importations into some of the principal districts, (those whose importations have produced duties exceeding \$400,000,) from March, 1815, to July, 1816, both inclusive.

DISTRICTS.	Duties.	Debentures.	Revenue subject only to expense of collection.
New York - - - - -	\$9,926,188 30	\$933,394 65	\$8,992,793 65
Philadelphia - - - - -	5,085,206 65	423,636 72	4,661,569 93
Boston - - - - -	3,579,130 77	477,487 91	3,101,642 86
Baltimore - - - - -	3,339,101 11	396,633 42	2,942,467 69
Charleston - - - - -	1,047,546 73	86,392 49	961,154 24
New Orleans - - - - -	732,083 13	15,669 02	716,414 11
Savannah - - - - -	521,287 88	3,690 56	517,597 02
Norfolk - - - - -	491,150 36	19,364 65	471,785 71

NOTE.—This statement exhibits the amount of money actually paid into the Treasury at those ports, and not the amount of duties which accrued during that period.

3. Of the Public Debt.

In a supplement to the annual Treasury report of December, 1815, made to the House of Representatives on the 28th of February, 1816, it appears that the balance of the whole of the public debt contracted prior to the late war amounted on the 12th of February, 1816, to - \$38,335,832 58

The amount which has since been reimbursed of the principal of the old six per cent. and deferred stocks, besides the payments of the interests, is the sum of - 556,558 26

And at this time the balance of the whole of the public debt contracted before the late war amounts to the sum of - \$37,779,274 32

In the same supplemental report it further appears that the estimated amount of the whole of the public funded debt, contracted in reference to the late war, amounted on the 12th of February, 1816, to the sum of - 68,374,764 94

To this amount there has been since added the following items :

1. In six per cent. stock to pay the Bank of South Carolina, according to the contract for a loan made to General Pinckney, under the authority of the War Department, the amount being included in the appropriation for the military service - \$43,956 04
2. In six per cent. stock to pay the Union Bank of Charleston, South Carolina, according to the contract for a like loan, the amount being included in the appropriation for the military service - 43,956 04
3. In six per cent. stock of 1815, in lieu of Treasury notes funded at 95 per cent. under the loan of 1815, and which thus operated to render the amount of the floating debt - 335,447 90
4. In six per cent. stock, in lieu of Treasury notes funded at par, (as far as has been ascertained,) and which thus operates to reduce the amount of the floating debt, estimated at - 9,200 31
5. In seven per cent. stock, in lieu of small Treasury notes funded at par, (as far as has been ascertained,) and which thus operated to reduce the amount of the floating debt, estimated at - 4,289,089 00

Amount of the addition since the 12th February, 1816, to the public funded debt, contracted in reference to the war - 4,721,649 29

Estimated amount of the whole of the funded debt at this time, contracted in reference to the late war - \$73,096,414 23

In the same supplemental report it appears that the amount of the floating public debt on the 12th of February, 1816, was estimated at the sum of - \$16,920,115 41

To this sum there has since been added the following items :

1. There have been issued and re-issued small Treasury notes, as is estimated at - \$2,004,597 00

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2. There having been issued Treasury notes bearing interest, as estimated at	2,861,900 00	4,873,498 00
3. There have been obtained temporary loans from the banks in the District of Columbia, under the act providing for the reconstruction of the public buildings, in addition to the loan of \$100,000 stated in the supplemental report	\$50,000 00	
4. There has been obtained a temporary loan from the Farmers' Bank of Virginia to pay a warrant of the War Department in favor of the Governor of Virginia, to pay for militia expenses during the war	150,000 00	200,000 00
		<u>\$21,993,612 41</u>

But the floating debt has been diminished since the 12th of February, 1816, in the following manner:

1. By the subscription of Treasury notes to the six per cent. loan of 1815, as above stated	\$318,675 52	
2. By funding Treasury notes at par for six per cent. stock, as above stated	9,200 31	
3. By funding small Treasury notes for seven per cent. stock, as above stated	4,289,089 00	
4. By the payment in Treasury notes of duties and taxes estimated to have amounted in Treasury notes bearing interest to the sum of	\$7,217,853 58	
In small Treasury notes, to	150,000 00	
	<u>7,367,853 58</u>	
5. By the repayment of temporary loans, viz:		
To the Bank of Columbia, on account of the public buildings	\$225,000 00	
To the State of New York, on account of the militia, (principal)	350,000 00	
To the Farmers' Bank of Virginia, (principal)	150,000 00	
	<u>725,000 00</u>	
		<u>12,709,818 41</u>

Estimated amount of the whole of the floating debt at this time - - - *\$9,283,794 00

* Outstanding Treasury notes	\$8,733,794 00
Temporary loans	550,000 00
	<u>\$9,283,794 00</u>

A more general view of the issues and reimbursements of Treasury notes has been presented by the Register, to show the amount outstanding on the 1st August, 1816; from which it appears—

1. That the issues have been, under the act of Congress of June 30, 1812	\$5,000,000 00
Do. do. do. of February 25, 1813	5,000,000 00
Do. do. do. of March 4, 1814	10,000,000 00
Do. do. do. of December 26, 1814	8,318,400 00
Do. do. do. of February 25, 1815—	
Notes bearing interest	\$4,422,400 00
Small Treasury notes, without interest	3,392,994 00
	<u>7,815,394 00</u>

Total amount of issues of Treasury notes - - - \$36,133,794 00

2. That the reimbursements by payments, when the notes became due by subscription to the loan of 1815, and by satisfying duties and taxes, have amounted to	\$29,467,407 16
Deduct estimated amount of interest, included therein	2,067,407 16
	<u>27,400,000 00</u>

Leaving an outstanding balance of Treasury notes of every denomination, on the 1st of August, 1816, amounting to the sum of - - - \$8,733,794 00

The amount reimbursed, as above stated, including interest, being - - - \$29,467,407 16

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Consists of Treasury notes cancelled, including interest thereon, and in a course of cancelment at the Treasury, amounting to -	\$12,904,986 00
And of Treasury notes, including interest deposited in the several banks to the credit of the Treasurer, as appears from his statement	16,562,421 16
	<u>\$29,467,407 16</u>

The balance of \$8,733,794, exclusive of interest thereon, is still subject to a reduction for the amount of Treasury notes in the hands of collectors and receivers, not deposited in the banks on the 1st of August, 1816. There can, therefore, be no doubt that, during the five subsequent months of the present year, the whole of the floating public debt in Treasury notes, as well as temporary loans, will be extinguished, agreeably to the anticipations which were expressed upon that subject.

From the preceding estimate it appears that, at this time, the aggregate amount of the public debt is the sum of - - - - - \$120,159,482 55

Consisting of the following items:

1. Funded public debt before the late war - - -	\$37,779,274 32
2. Funded public debt contracted since the late war - - -	73,096,414 23
3. Floating public debt outstanding - - -	9,283,794 00
	<u>\$120,159,482 55</u>

The aggregate amount of the public debt, as is estimated on the 12th February, 1816, being the sum of - - - - - 123,630,692 93

The aggregate reduction since that period, amounts to the sum of - - - \$3,471,210 38

The funded public debt will, unavoidably, be augmented, as long as the disordered state of the currency shall compel the Treasury to make any of its payments in small Treasury notes, fundable at seven per cent.; and the necessity of issuing Treasury notes, bearing interest, from the same cause, will also, in some degree, augment the funded debt, while it retards the extinguishment of the floating debt, for which the revenue is otherwise ample. To render the funds of the Treasury as active as possible, however, they have been applied to pay off the temporary loans by anticipation; those obtained in Boston and Maine (making together \$550,000) being the only loans for which the local currency could not be provided. It would have been desirable, indeed, to have employed some of the public funds in the purchase of the public stock where it has fallen below par; but, upon examination, it was found that the appropriation for the Sinking Fund did not admit of that operation, for—

The balance of the appropriation of the preceding year applicable to the Sinking Fund, and remaining on the 1st of January, 1816, was - - - - - \$4,630,381 42
And the appropriation for the year 1816 was - - - - - 8,000,000 00

Of which there was expended to the 30th of June, 1816 - - - \$9,354,762 62
And the probable demand to the 1st of January, 1817, inclusive, is - 4,218,360 00
13,573,122 62

Leaving a deficit, which must be supplied as soon as the next session of Congress opens, amounting to - - - - - \$942,741 20

Another item will be added to the public debt by the creation of the five per cent. stock, in payment for the shares held by the Government in the capital of the Bank of the United States; and it may be proper to bring into view the Mississippi stock, created upon the settlement of what are usually called "the Yazoo claims," amounting, on the 30th of August, 1816, to the sum of \$4,241,725 80. It will be observed, however, that the five per cent. stock is, in effect, an exchange for another capital, producing probably a higher rate of interest; and that the Mississippi stock bears no interest, and is only eventually reimbursable out of the proceeds of the sales of public lands.

For the payment of the interest, both of the old and new debt, and for the reimbursement of the instalment of the principal of the old debt, due on the first of October next, provision has been made by the Treasury; remittances have also been made to the bankers of the United States in London and Amsterdam, for the payment of the interest on the Louisiana stock, payable at those places, respectively, on the 1st of July, 1816, and the 1st of January, 1817. And, so far as depends upon this Department, funds have been supplied to meet all the demands upon the Government of the United States, upon the various general accounts which are open there—

For the interest on the Louisiana stock;

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For foreign intercourse, including the diplomatic fund ;
 For the maintenance of prisoners of war ; and
 For the support of American seamen in foreign countries.

4. Of the miscellaneous business of the Department.

The several important objects confided to the Department, independent of its merely fiscal duties, have received attention.

Without entering into a minute enumeration of them, the following are proper to be selected for notice :

1. *The survey of the coast.*—The necessary instruments having been secured, Mr. Hassler has been employed as the superintendent of the work, upon the principle and terms stated in his letter of instructions, dated the 3d of August, 1816.

2. *The road from Cumberland to Ohio.*—The course of the road having been confirmed by the President, from Cumberland to Uniontown, thence to Brownsville, thence through Washington and Alexandria to Wheeling, Colonel Eli Williams has been employed to survey and locate the road from Brownsville to Wheeling, as well as to examine the deviations which have been made by Mr. Shriver, from the route originally proposed by the Commissioners. Several plans have also been suggested for dividing the road into sections, and for expediting the work. But the difficulties which have arisen require immediate care and attention, and may be traced in the correspondence between this Department and Colonel Williams and Mr. Shriver.

3. *The Custom-house establishment.*—The 8th section of the act of the 30th of April, 1816, has appropriated \$250,000 for custom-house establishments, upon a suggestion from this Department to the Committee of Ways and Means, with a view to the accommodation of the five principal commercial cities, to wit: Boston, New York, Philadelphia, Baltimore, and Charleston. The only establishment previously owned by the Government was the custom-house at New Orleans. From the correspondence with the respective collectors, and reports which have been made to the President, it will appear that the purchase of a custom-house at Boston has cost - \$29,000
 That a purchase has been authorized at New York, at a price not exceeding 55,000
 That a purchase has been authorized at Philadelphia, at a price for the site, and the buildings to be erected, which will probably amount to - 65,000
 That a negotiation has taken place with the trustees for building an Exchange at Baltimore, who offer to erect and convey to the Government a suitable establishment, being part of the Exchange, for - 70,000
 And that a site and buildings may be purchased at Charleston for the sum of - - - - - 50,000

\$269,000

But the appropriation only amounts to 250,000

Leaving a deficit of - - - \$19,000

Upon this statement it is proposed to suspend the purchase at Baltimore until an additional appropriation can be obtained ; but to complete the purchase of the establishments in New York, Philadelphia, and Charleston, upon an enlarged scale, and more adequate to the growing commerce of those cities.

4. *The Legislative calls for information.*—Several resolutions were passed, during the last session of Congress, requiring information at the next session upon various subjects ; and arrangements have been made to enable the Department to report. The resolutions and correspondence on file will furnish you the particulars.

5. *The case of Hoyt vs. Gelston et al.*—In consequence of instructions issued from the Treasury Department, by authority of the President, the collector and surveyor of the port of New York seized the ship called the "American Eagle," under the charge of being illegally armed and equipped within the United States, for the purpose of waging hostilities against a friendly foreign Power. Upon a trial in the district court of New York the vessel was ordered to be restored, and the judge refused to grant a certificate that there was a probable cause of seizure. The owner brought an action of trespass against the seizing officers in the State courts, and recovered damages to the amount of \$107,369 43. The cause has been transferred by order of the President from the court of errors in New York to the Supreme Court of the United States, where it is now depending for a final judgment, and, probably, the judgment will be rendered at February term next. As the collector and surveyor acted in obedience to their orders, they appear to be entitled to an indemnity from the Government ; the subject was, therefore, submitted to the Committee of Ways and Means at the last session, and a report was made by the committee in favor of the proposed indemnity. It is important that the report should be taken up and decided early in the next session. All the facts and proceedings in the case may be traced in the report of this Department to the Senate, during the session ending in 1816, and in the report to the Committee of Ways and Means during the session.

6. *The direct tax of Georgia.*—The Legislature of Georgia assumed the quota of the direct tax imposed upon that State for 1816 ; but the Governor did not give notice of the assumption, within the period prescribed by law, although the amount of the tax was remitted to the Treasurer in certain drafts, before the day fixed for paying it, in order to entitle the State to the abatement of fifteen per cent. Under these circumstances the gross amount of the quota has been paid into the Treasury, subject to the relief which Congress may hereafter provide.

All which is respectfully submitted.

A. J. DALLAS.

TREASURY DEP't, Sept. 20, 1816.

*State of the Finances.**Receipts from loans and Treasury notes.*

Loans under the act of 15th November, 1814 -	-	-	-	\$243,911	39
Loans under the act of 3d March, 1815 -	-	-	-	318,675	52
Do. temporary loans -	-	-	-	150,000	00
Amount annually borrowed to 30th September, 1815 -	-	-	-	712,586	91
Treasury notes : amount issued prior to the 1st of October, 1816, under the act of 24th February, 1815.	-	-	-	-	-
Notes bearing interest per statement L	4,274,800	00	-	-	-
Small Treasury notes not bearing interest, amount issued and reissued -	5,773,168	00	-	-	-
			10,047,968	00	
				10,760,554	91
Making the total amount estimated to be actually received in the Treasury during the year 1816 -	-	-	-	57,660,554	91
Cash in the Treasury at the commencement of the year (including an item of \$6,361,125 43 in Treasury notes,) which had been paid for duties and taxes -	-	-	-	13,106,592	88
Making the amount estimated to be actually received into the Treasury during the year, including the sum in the Treasury on the first day of January last -	-	-	-	70,667,147	79
The application of the moneys actually received into the Treasury during the year 1816, will be as follows: To the 30th of September the payments have amounted to the following sums nearly, (the accounts being not yet made up, the precise number cannot be given.)	-	-	-	-	-
For civil, diplomatic, and miscellaneous expenses -	-	-	-	2,359,404	99
Military service, (including an arrearage of \$11,212,560 00) -	-	-	-	14,079,009	27
Naval service -	-	-	-	2,707,009	27
Public debt, viz :	-	-	-	-	-
Interest and reimbursement -	-	-	-	\$8,009,936	34
Reimbursement and interest of Treasury notes -	-	-	-	5,606,650	24
			13,616,586	58	
				\$32,762,416	84
During the fourth quarter of the year the payments are estimated to amount to the following sums, viz :	-	-	-	-	-
For civil, diplomatic, and miscellaneous expenses -	-	-	-	750,000	00
Military service -	-	-	-	2,450,000	00
Naval service -	-	-	-	1,200,000	00
Public debt, viz : interest and reimbursement to the 1st of January, 1816, inclusive -	-	-	-	2,100,000	00
Reimbursement of Treasury notes -	-	-	-	13,000,000	00
			15,100,000	00	
				19,500,000	00
				52,262,416	84
The receipts into the Treasury during the year have been estimated at 57,660,564 91	-	-	-	-	-
And the balance at the commencement -	-	-	-	13,106,592	33
				70,767,147	79
Leaving in the Treasury on the 1st of January, 1817, the sum of -	-	-	-	18,504,730	95

Of which sum it is estimated that \$10,000,000 will be in cash, and the remainder in Treasury notes, principally issued under the act of the 24th of February, 1815, which cannot be reimbursed without an appropriation for that purpose.

Notwithstanding the favorable situation of the Treasury, the disordered state of the currency still continues to embarrass the fiscal operations of the Government. The expectation which had been formed, that the demands upon the Treasury, in the Eastern section of the Union, might be paid in the local currency by the end of the year, has not been realized. To discharge the claims in that quarter, arising from the interest and reimbursement of the public debt, which will be payable on the 1st of January next, small Treasury notes must be issued, or a temporary loan must be obtained from the Bank of the United States, to the amount of those demands. The latter alternative has been embraced, and a proposition for that purpose has been made to the bank, and has been favorably received by it.

When those claims are satisfied there will be no further embarrassment until the next quarterly payment of interest. To prevent the necessity of resorting again to loans for that object, the reissue of Treasury notes of all descriptions should be discontinued. When this course is adopted, and

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persevered in, the revenue in that quarter will be collected in current money, and will be more than sufficient to satisfy all the claims of the public creditors. The more certainly to effect that object, it is respectfully recommended that an appropriation be made, during the present session of Congress, for the reimbursement of the whole of the Treasury notes, issued under the act of the 24th of February, 1815. The Treasury notes issued under the preceding laws have either been reimbursed or provision made for that object during the last quarter of the year. The acts under which they issued having, by appropriations, provided for their reimbursement, no further appropriations are necessary for that purpose.

OF THE PUBLIC DEBT.

The funded debt contracted before the late war, which was unredeemed on the 1st of January, 1816, amounted, as per statement B, to		\$38,340,906 77
By the same statement, it appears that the funded debt contracted on account of the late war, amounted, on that day, to		65,944,434 29
Making the whole funded debt, on the 1st of January, 1816, amount to		104,258,341 06
To which must be added temporary loans, viz:		
Due the State bank, Boston	500,000 00	
Cumberland bank, Maine	50,000 00	
Banks in the District of Columbia	175,000 00	
State of New York	350,000 00	
		1,075,000 00
Making an aggregate amount, on that day, of		105,350,341 06
To this amount there has been added, between the 1st day of January, 1816, and the 30th of September, the following sums, viz:		
6 per cent. stock of 1814	\$229,801 31	
6 per cent. stock of 1815	335,448 90	
6 per cent. Treasury note stock	58,245 78	
7 per cent. Treasury note stock	4,570,621 00	
	5,257,116 99	
From which deduct temporary loans paid off	\$1,025,000 00	
Reimbursement of old six per cent. stock and deferred stock	846,639 76	
	1,871,639 76	
		3,385,477 23
Making the whole public debt, on the 30th of September, 1816, as appears by statement C, amount to		108,745,818 29
Viz:—Old funded debt	37,494,267 01	
New funded debt	71,201,551 28	
Temporary loan	50,000 00	
	108,745,818 29	
Add the amount of seven per cent. stock, which it is estimated will be created during the last quarter of the year, by funding small Treasury notes		520,405 00
Makes the estimated amount of the public debt, on the 1st of January, 1817		109,266,223 29
The subscription to the Bank of the United States, on the part of the Government, will create five per cent. stock to the amount of		7,000,000 00
And the compromise with the Yazoo claimants has created stock to the amount of		4,098,615 29

But as the first is only an exchange for the same amount of bank capital, which will, probably, produce an excess of dividends beyond the interest payable on the stock, equal to the reimbursement of the principal, before the expiration of the charter, and the second bears no interest, and will, probably, be reimbursed by the sales of the public lands in the Mississippi Territory, during the three succeeding years, no further provision for their ultimate redemption appears to be necessary.

SINKING FUND.

According to the existing laws, the Sinking Fund consists of a permanent appropriation, \$8,000,000 per annum, which is vested in the Commissioners of the Sinking Fund, to be by them applied to the payment of the interest of the public debt, and to the redemption of the principal. Of this sum there will be required, during the year 1817, for the payment of interest, \$6,084,415 93; leaving the sum of \$1,915,584 07 to be applied to the redemption of the principal of the debt. This sum,

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operating upon the principle of compound interest, will not redeem the whole amount of the funded debt before the year 1842. An attentive examination of the rise and progress of public debts in other countries cannot fail to impress the American Republic with the necessity of making suitable exertions, in periods of peace, to release the national revenue from so heavy an encumbrance. Although, from our happy form of Government, and from our fortunate geographical position, we may reasonably calculate upon being less frequently subjected to the calamities of war than has hitherto fallen to the lot of other civilized nations, yet reason and experience forbid the expectation that we shall be exempted from its evils until the redemption of the public debt shall be effected by the operation of the existing Sinking Fund.

By referring to the laws authorizing the several loans, which, during the late war, have swelled the public debt to its present amount, Congress has uniformly pledged the faith of the nation to provide sufficient funds for the payment of the interest, and the redemption of the principal of the debt so created. The time has now arrived when that pledge ought to be redeemed. It is, therefore, respectfully proposed, that there be annually appropriated the sum of \$2,000,000, in addition to the sum of \$8,000,000, now applicable to the payment of the interest, and the redemption of the public debt; and that that sum be vested in the Commissioners of the Sinking Fund, to be applied in the same manner as the existing Sinking Fund. It is also proposed that when the six per cent. stock can be purchased at par, or the seven per cent. stock can be purchased at six per cent. premium, or when a greater amount can be redeemed, according to the conditions attached to the different loans, of which the funded debt is composed, than the amount of the Sinking Fund applicable to the redemption of the principal of the funded debt within any one year, there be paid to the Commissioners of the Sinking Fund the further sum of \$1,000,000 out of any money in the Treasury not otherwise appropriated, if such payment can be made; leaving a balance in the Treasury, at the end of the year, of \$2,000,000; which additional sum shall be applied to the redemption or purchase of the principal of the debt.

As the funded stock which may be subscribed by individuals to the Bank of the United States is redeemable at the will of the Government, and as the Louisiana stock is to be reimbursed in four annual instalments, commencing in the year 1818, the effect of the provision will be an annual addition of \$1,000,000 for the succeeding six years, if the state of the Treasury will admit of its execution.

By the operation of the Sinking Fund, thus enlarged, the whole funded debt will be extinguished within the term of fourteen years. In the present unsettled state of the revenue, arising from the excessive importations of foreign merchandise during the previous and present year; from the change in the rate of duties imposed upon merchandise; and from changes made in the various branches of internal revenue, it would be unsafe to vest the whole of the surplus revenue of the present year in the Commissioners of the Sinking Fund, as there is strong reason to believe that the revenue which will accrue during the year 1817, will fall considerably below the permanent annual expenditure, inclusive of the addition proposed to be made to the Sinking Fund. That deficiency, as well as any other which may occur in the two succeeding years, will be covered by the balances which it is estimated will be in the Treasury on the 1st day of January, 1817 and 1818.

Of the estimate of the Public Revenue and Expenditures for the year 1816.

The probable authorized demands upon the Treasury, during the year 1817, are estimated to amount to	-	-	-	-	-	-	-	\$21,751,797 57
Viz:—Civil, diplomatic, and miscellaneous expenses	-	-	-	-	-	-	-	\$1,705,513 03
Military service, (including an arrearage of \$1,540,000,)	-	-	-	-	-	-	-	7,999,625 79
Naval service, (including \$1,000,000 for the permanent increase of the Navy,)	-	-	-	-	-	-	-	3,986,658 75
Public debt	-	-	-	-	-	-	-	8,000,000 00
								<u>21,751,797 57</u>

Deduct war arrearage	-	-	-	-	-	-	-	1,540,000 00
								<u>20,211,797 57</u>
Add for annual incidental expenses, not embraced in the estimate	-	-	-	-	-	-	-	288,202 43
								<u>20,500,000 00</u>
Making the permanent annual expenditure	-	-	-	-	-	-	-	3,000,000 00
To which add the sum proposed to the Sinking Fund	-	-	-	-	-	-	-	<u>3,000,000 00</u>
								<u>23,500,000 00</u>
Making, in the whole, an aggregate amount for the permanent annual expenditure, until the public debt is redeemed, of	-	-	-	-	-	-	-	\$23,500,000 00

The annual report of the Secretary of the Treasury, for the year 1815, estimated the revenue which would accrue during the year 1816, under the modifications proposed by that report to the existing laws for raising revenue, at - - - - - \$25,600,000 00

State of the Finances.

Viz:—Customs -	-	-	-	-	-	\$17,000,000 00
Internal duties -	-	-	-	-	-	4,500,000 00
Direct tax, (net proceeds,) -	-	-	-	-	-	2,700,000 00
Public lands -	-	-	-	-	-	1,000,000 00
Postage and incidental receipts	-	-	-	-	-	400,000 00
						<u>25,600,000 00</u>

But the revenue which has actually accrued during the year is estimated, as already stated, at - - - - - 38,650,000 00

Making an aggregate excess, beyond the estimate of the last year, of - - - \$13,050,000 00

Which excess has arisen, principally, in the customs.

By the same report, the money receivable into the Treasury during the year 1816, arising, principally, from revenue which accrued during the year 1815, was estimated at - \$33,400,000 00

Viz:—Customs -	-	-	-	-	-	\$21,000,000 00
Internal duties -	-	-	-	-	-	5,000,000 00
Direct tax -	-	-	-	-	-	6,000,000 00
Public lands -	-	-	-	-	-	1,000,000 00
Postage, and incidental receipts	-	-	-	-	-	400,000 00
						<u>33,400,000 00</u>

But the actual receipts into the Treasury during the year, from those sources of revenue, are estimated at - - - - - 49,600,000 00

Leaving an excess of receipts beyond the estimate, of - - - - - \$13,500,000 00

The actual excess in the customs, beyond the estimate of 1815, being - - - \$15,000,000 00
In the internal duties, direct tax, and postage, there is a deficit of - - - 2,000,000 00

And an excess in public lands of - - - - - 13,000,000 00
500,000 00

Making, as before stated, the whole excess - - - - - \$13,500,000 00

The comparative statements just presented prove the extreme difficulty there was, in 1815, of making any estimate upon which reliance could be placed. The excessive importations of foreign merchandise, during the past and present year, have, but in a slight degree, diminished that difficulty. The revenue which accrued from imports and tonnage during the three first quarters of the year 1816, have averaged \$9,000,000 a quarter; while that which will have accrued during the last quarter is estimated at not more than one-third of that sum. As the redundancy of foreign merchandise in the country, which has produced this extraordinary reduction of duties in the fourth quarter of the year, will continue to influence the importations of the year 1817, the revenue accruing from that source, during the year, probably cannot be safely estimated above \$12,000,000.

We must look, therefore, to the revenue accruing in the year 1818 as the average revenue arising from duties and taxes of a permanent character, by which the permanent expenditure of the Government should be regulated. From the facts in the possession of the Department, the revenue which will accrue during the year is estimated as follows, viz :

Customs -	-	-	-	-	-	\$18,000,000 00
Internal duties -	-	-	-	-	-	2,500,000 00
Public lands -	-	-	-	-	-	1,500,000 00
Postage and incidental receipts	-	-	-	-	-	250,000 00

Making an aggregate amount of - - - - - \$22,250,000 00

In the year 1819, the first instalment of the bonus, payable to the Bank of the United States, becomes due - - - 500,000 00

During the same year it is believed that the claim of the State of Georgia will be paid, and the Mississippi stock will be absorbed by the sale of the public lands in the Mississippi Territory, which will give an additional revenue from the public lands for the year 1820, and for subsequent years, of - - - 1,500,000 00

Making the revenue for the year 1820 amount to - - - - - \$24,250,000 00

Which may be estimated as the permanent annual revenue after that period.

State of the Finances.

B.

Statement of the funded debt of the United States, and of temporary loans, on the 1st of Jan'y, 1816.

Funded debt, exclusive of the sum passed to the credit of the Sinking Fund:

Six per cent. stock	-	-	-	-	\$17,250,871	41
Three per cent. stock	-	-	-	-	16,158,189	79
Deferred stock	-	-	-	-	9,358,320	34
Louisiana stock	-	-	-	-	10,923,500	00
Six per cent. stock of 1796	-	-	-	-	80,000	00
Exchanged six per cent. stock of 1812	-	-	-	-	2,984,746	72
					56,755,619	26
Six per cent. stock of 1812, 11 million loan	-				\$7,810,500	00
Six per cent. stock of 1813, 16 million loan	-				18,109,377	43
Six per cent. stock of 1813, 7½ million loan	-				8,498,581	95
Six per cent. stock of 1814, 25 million loan	-				15,661,818	54
Six per cent. stock of 1815, 18,452,800 loan	-				11,952,700	74
Six per cent. stock of Treasury notes, bearing interest, funded at par	-				2,481	63
Seven per cent. stock of small Treasury notes funded	-				3,908,974	00
					65,954,434	29
					\$122,700,053	55

Temporary loans—

Due to the State Bank, Boston	-	-		\$500,000	00
Due to the Cumberland Bank, Maine	-	-		50,000	00
Due to the banks in the District of Columbia	-			175,000	00
Due to the State of New York	-	-		350,000	00
				1,075,000	00(a)
				\$123,775,053	55

Nominal amount of the funded debt and temporary loans, 1st January, 1816 \$123,775,053 55

Deduct reimbursement of the old six per cent. and deferred stocks to the 31st December, 1815, per Treasury settlements - \$24,341,990 68 (b)

From this sum deduct reimbursement paid, or stock subsequently transferred to the sinking fund \$28,748 02

And the difference between the nominal amount of six per cent. and deferred stock exchanged, and the amount of exchanged stock issued in lieu thereof - 5,898,530 17

5,927,278 19

\$18,414,712 49

Unredeemed amount 1st January, 1816 - \$105,360,341 06(c)

Nominal amount, as above stated, brought down - \$123,775,053 55

SINKING FUND.

The following sums are in the Treasury books, passed to the credit of this fund:

Foreign Debt.

5 per cent. stock	-	-	-	-	\$8,200,000	00
4½ per cent. stock	-	-	-	-	820,000	00
4 per cent. stock	-	-	-	-	3,180,000	00
					\$12,200,000	00

Domestic Debt.

6 per cent. stock	-	-	-	-	\$1,946,026	92
3 per cent. stock	-	-	-	-	698,555	41
Deferred stock	-	-	-	-	1,005,179	83
8 per cent. stock	-	-	-	-	6,482,500	00
Exchanged 6 per cent. stock	-	-	-	-	6,294,051	12
Converted 6 per cent. stock	-	-	-	-	1,859,850	70

State of the Finances.

4½ per cent. stock	-	-	-	-	\$176,000 00	
5½ per cent. stock	-	-	-	-	1,848,900 00	
Navy 6 per cent. stock	-	-	-	-	711,700 00	
Louisiana stock	-	-	-	-	326,500 00	
6 per cent. stock of 1812	-	-	-	-	324,200 00	
					<u>\$21,673,463 98</u>	
						<u>\$33,873,463 98</u>

(d) \$147,643,517 53*Notes.*

(a) Amount of temporary loans unpaid 1st January, 1815 - - - - - \$600,000

Received into the Treasury in 1815—

From the City Bank, New York	-	-	-	-	-	\$200,000
Mechanics' Bank, New York	-	-	-	-	-	200,000
Manhattan Bank do	-	-	-	-	-	200,000
Mechanics' Bank do	-	-	-	-	-	75,000
Bank of America do	-	-	-	-	-	75,000
Manhattan Bank do	-	-	-	-	-	75,000
City Bank do	-	-	-	-	-	75,000
Mechanics' Bank do	-	-	-	-	-	200,000
State of New York	-	-	-	-	-	350,000
Banks in the District of Columbia	-	-	-	-	-	175,000
Bank of Virginia	-	-	-	-	-	450,000
Farmers' Bank of Virginia	-	-	-	-	-	200,000
						<u>\$2,275,000</u>

Paid off in 1815 per public printed accounts - - - - - \$2,875,000
1,800,000Amount as above stated - - - - - \$1,075,000

(b) This is the aggregate of the several annual settlements predicated on the quarter-yearly dividends payable from 1st January, 1796, inclusive, and, after making the deductions herein stated, will, on the full payment of the old six per cent. and deferred stocks, accord with their present nominal amount.

(c) Unredeemed amount 1st January, 1815	-	-	-	-	\$89,110,337 20
Additions in 1815—3 per cent. stock	-	-	-	-	\$3 36
6 per cent. stock, 1812	-	-	-	-	50,000 00
6 per cent. stock, 1814	-	-	-	-	1,426,967 29
6 per cent. stock, 1815	-	-	-	-	11,952,700 74
6 per cent. Treasury notes funded	-	-	-	-	2,481 63
7 per cent. small do do	-	-	-	-	3,908,974 00

\$17,341,127 02

Temporary loans - - - - - 2,275,000 00

\$19,616,127 02

Deduct reimbursements of old 6 per cent. and deferred stocks in the year 1815 - - - - - \$1,566,123 16

And temporary loans paid off - - - - - 1,800,000 00

\$3,366,123 16

\$16,250,003 86

As above - - - - - \$105,360,341 06

(d) Nominal amount, including Sinking Fund, 1st January, 1815 - - - \$139,832,390 51

Additions in 1815, including temporary loans - - - 17,816,127 02

As above - - - - - \$157,648,517 53TREASURY DEPARTMENT, REGISTER'S OFFICE, *December 10, 1816.*JOSEPH NOURSE, *Register.*

State of the Finances.

C.

Estimate of the funded debt of the United States, and of the temporary loans, on the 1st Oct., 1816.

FUNDED DEBT.

Exclusive of sums passed to the credit of the Sinking Fund:

6 per cent. stock	\$17,250,871 41	
3 per cent. stock	16,158,180 79	
Deferred stock	9,358,320 34	
Louisiana stock	10,923,500 00	
6 per cent. stock of 1796	80,000 00	
Exchanged 6 per cent. of 1812	2,984,746 72	
		\$56,754,619 26
Six per cent. stock of 1812, 11 million loan	\$7,810,500 00	
Ditto do of 1813, 16 do	18,109,387 43	
Ditto do of 1813, 7½ do	8,498,581 95	
Ditto do of 1814, 25½ do	15,954,619 85	
Ditto do of 1815, 18,452,800 loan	12,288,149 64	
Six per cent. stock, Treasury notes per 25th February, 1815, funded	60,727 41	
Seven per cent. stock, small Treasury notes, funded	8,379,595 00	
		71,201,551 28
		\$127,957,170 54

Temporary Loans.

Due Cumberland Bank, Maine	50,000 00	
Nominal amount of funded debt and temporary loans, 1st October, 1816	\$128,007,170 54	
Deduct reimbursement of the old six per cent. and deferred stocks to the 31st of December, 1815, per Treasury settlements	\$24,341,990 68	
To the 1st October, 1816, estimated at	846,639 76	
	\$25,188,630 44	
Deduct, as per last annual statement	5,927,278 19	
		19,261,352 25
Unredeemed amount on the 1st October, 1816	(a) \$108,745,818 29	
Nominal amount, as above stated, brought down	\$128,007,170 54	

SINKING FUND.

The following sums are, in the Treasury books, passed to the credit of this fund:

Foreign Debt.

Five per cent. stock	\$8,200,000 00	
Four and a half per cent. stock	820,000 00	
Four per cent. stock	3,180,000 00	
	\$12,200,000 00	

Domestic Debt.

Six per cent. stock	\$1,946,026 92	
Three per cent. stock	698,555 41	
Deferred stock	1,005,179 83	
Eight per cent. stock	6,182,500 00	
Exchanged six per cent. stock	6,294,051 12	
Converted six per cent. stock	1,859,850 70	
Four and a half per cent. stock	176,000 00	
Five and a half per cent. stock	1,848,900 00	
Navy six per cent. stock	711,700 00	
Louisiana six per cent. stock	326,500 00	
Six per cent. stock of 1812	324,200 00	
	\$21,673,463 98	
		\$33,873,463 98
		(b) \$161,880,634 52

*Duty on Stills.**Notes.*

(a) Unredeemed amount on the 1st January, 1816	\$105,360,341 06
Additions to 1st October, 1816:	
Six per cent. stock of 1814	\$292,801 31
Six per cent. stock of 1815	335,448 90
Treasury notes six per cent. stock	58,245 78
Treasury notes seven per cent. stock	4,570,621 00
	5,257,116 99
	\$110,617,458 05
Deduct temporary loans paid off	\$1,025,000 00
Deduct reimbursement of the old six per cent and deferred stock	846,639 76
	1,871,639 76
Unredeemed amount, as above	\$108,745,818 29
(b) Nominal amount, including Sinking Fund, 1st January, 1816	\$157,648,517 53
Additions in 1816	5,257,116 99
	\$162,905,634 52
Deduct temporary loans paid to the State Bank, Boston	\$500,000
Banks in the District of Columbia	175,000
The State of New York	350,000
	1,025,000 00
Nominal amount, as above	\$161,880,634 52

TREASURY DEPARTMENT, REGISTER'S OFFICE, *December 19, 1816.*JOSEPH NOURSE, *Register.*

DUTY ON STILLs.

[Communicated to the House, January 13, 1817.]

TREASURY DEPARTMENT, *Jan. 13, 1817.*

SIR: In obedience to a resolution of the House of Representatives, of the 9th of March, 1816, requiring the Secretary of the Treasury "to report to the next session of Congress, whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other instruments used in distillation," I have the honor to report the information obtained upon that subject by the Commissioner of the Revenue, to whom it was referred by the Secretary of the Treasury.

The result of the inquiry instituted by that officer renders it doubtful whether any change in the existing system is indispensably necessary.

Should the change suggested by the Commissioner of the Revenue be declined, the idea presented in document C, for introducing uniformity in the form and construction of stills and boilers, appears to be entitled to consideration, if the system of internal revenue should be rendered permanent. The more easily to effect that object, the form and construction of stills and boilers deemed most efficient in distillation should be designated by law, and legal provision should be made for allowing a certain discount upon the amount of the tax imposed upon all such stills and boilers, after the expiration of a certain number of years. By fixing the time sufficiently remote to allow of the expiration of existing leases and contracts, the owners of stills of a

different construction would not fail to have them changed into the form designated by law. As every deviation, after that period, from the prescribed form would be excluded from the allowance granted in favor of that description of still or boiler, no change would be attempted, except when the advantages resulting from it would exceed that allowance.

In order that this regulation may not operate to the repression of enterprise and invention, the law might provide that no change in the rate of tax thus established should be made with a view to equalize the duty, upon any deviation from the prescribed form, for a certain term of years after it should be in operation.

I have the honor to be, your most obedient and very humble servant,

WILLIAM H. CRAWFORD.

The Hon. HENRY CLAY,

*Speaker of the House of Reps.*TREASURY DEPARTMENT,
REVENUE OFFICE, *Dec. 30, 1816.*

SIR: The Secretary of the Treasury having, on the 29th day of June last, referred to me a resolution of the House of Representatives, of the 9th of March preceding, requiring him "to report to the next session of Congress whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation," I have the honor to make thereon the following report:

Duty on Stills.

To obtain the best materials for forming an opinion on the point referred to me, a letter was, on the 14th day of July, addressed to Dr. Samuel L. Mitchill, of New York, and to Alexander Anderson, Esq., of Philadelphia, a copy of which is annexed, marked A.

On the 15th of the same month, a circular letter (marked B) was addressed to the respective collectors of the internal revenue.

Messrs. Mitchill and Anderson, having promptly undertaken to fulfil the trust confided to them, have transmitted, as the result of their inquiries, the annexed communications, marked C, D, E., and F.

Answers have likewise been received from most of the collectors, from which it is computed that there are in the United States 650 boilers of an average capacity of 102 gallons.

11,070 stills of capacities not exceeding fifty gallons.

17,080 stills of capacities between fifty and one hundred gallons.

9,160 stills of capacities between one hundred and two hundred gallons; and

570 stills of capacities exceeding two hundred gallons.

Agreeably to the information derived from these and other sources, aided by that previously in the Treasury, it appears—

That by far the greater number of stills (more, probably, than nine out of ten) are of the common old construction, which is generally very uniform.

That the shallow stills, though at present few in number, are increasing slowly.

That if the late changes and present most approved forms of construction be taken as a guide, the advantages, combining all the incidental circumstances of the shallow over the deep stills, do not seem to be generally considered as great.

That the benefit attached to stills with Whitmer's and Anderson's improvements appear to be much greater.

That the new stills in use exhibit a great variety of construction, and differ, in their productive powers, much from each other.

That the boilers, as well in their construction as their products, differ greatly from each other.

That, although the present duty on the boilers is generally considered as relatively lower than that on the stills, the former do not seem materially, if at all, to increase; that, on the contrary, the instances are frequent in which they have been abandoned for stills; a circumstance which arises, perhaps, principally from the inferior quality of the spirits made with the boilers. A contrary opinion is, however, expressed on this point, as well as others connected with boilers, by Mr. Anderson.

The inequalities in the operation of the existing duties do not, in my opinion, sensibly affect the revenue, or give to one description of vessels advantages, in their practical effects, greatly injurious to those of a different description. As, however, it satisfactorily appears that several cases exist of stills, as well as boilers of a parti-

cular form, paying at present but an inconsiderable duty compared with that generally paid, it is probable that these inequalities, however limited at present, will, unless seasonably counteracted, become the germs of much greater inequalities.

It has been suggested that this counteraction may be effected by graduating the duty, according to the size and form of each still or boiler, on a principle resulting from a combination of their form and size.

It was, in a great measure, with the view of ascertaining the practicability of this suggestion, that the inquiry submitted to Messrs. Mitchill and Anderson was instituted. Their answers, and particularly the experiments of Mr. Anderson, will show the light they have been enabled to shed upon this point.

Although it does not appear, either from their researches or from a general consideration of the subject, that the adoption of such a principle is absolutely impracticable, the complexity attendant on any plan that has been devised for its application is so great as to render the result at least questionable; while, if the opinion of Mr. Anderson on the relative products of shallow and deep stills be received as correct, the necessity for adopting such a principle is greatly shaken.

Should, under the impression that shallow stills have, according to a given ratio, an advantage over deep ones, a duty be laid on their capacity up to a certain line, and a lower duty on their capacity above such line, increasing, at pleasure, the several rates of duty, it must be obvious that, as the forms of the stills now in use are extremely different, and are daily becoming more so, the inevitable effect of such a principle would be, unless equal in its operation on all possible kinds of stills, to act as a bounty, at the expense of all the rest, on vessels so constructed as least sensibly to feel the duty.

To show how difficult it is to find and to apply such a principle, it may be useful to state the recent use of a deep still, with a large hollow cylinder, open at the bottom, and rising in the centre to a considerable height, by which the surface around this centre, exposed to the direct action of the fire, is greatly enlarged. Here, then, is an instance of a deep still, the duty on which would be relatively light, possessed, perhaps, of equal if not greater productive powers than a shallow still.

If it shall be deemed unsafe to adopt a principle doubtful in theory, and attended with such difficulties in its application, and it shall, nevertheless, be considered expedient to attempt a further equalization of the existing duties, the following is suggested as the most equitable and effectual plan.

It has been stated that by far the greater number of stills (more, probably, than nine out of ten) are of an uniform construction. As it is on considerations drawn from the productive powers of these that the present duties were imposed, all that is requisite to insure an equal and impartial operation of the duties, as well on existing stills of a different construction as on such as may be

Duty on Stills.

hereafter constructed; is to impose duties on these two classes, agreeably to their productive powers, proportionate to those paid on stills of the common kind. To effect this object, it is respectfully proposed that the present duties on stills be the minimum duties imposed, to be exacted in all cases not specially provided for; and that it be specially provided that, in the case of stills which deviate from the common construction, a particular survey be made of each still at the time it shall be first used, and that the duty on its capacity be specifically fixed, on its computed productive powers, agreeably to the award on such survey; that this survey and award be made by the collector, with such professional skill as he may call to his assistance; but that in case the award be not satisfactory to the owner of the still, a reference be authorized to such person as may be named by the collector and such person as may be named by the owner of the still, with power, in case of their disagreement, to name an umpire; that the expense, if there be no appeal from the original survey, be defrayed by the United States; and if there be an appeal, by the owner of the still; and that the award thus given shall continue to regulate the duties payable until the still shall undergo a change in its form or size, when a like survey shall be repeated.

In the case of boilers, it would seem best to submit them all to a special survey, adhering to the present as the minimum rates of duty.

An essential feature of this plan is, in no instance, to receive on any still or boiler a lower rate of duty than that now imposed; for should the system admit, according to circumstances, of a diminution as well as augmentation of duty from the prescribed standard, it would be difficult to assign any limits to the consequent defalcation of revenue.

The objection to this plan, on the ground of expense, cannot be great, as the anomalous cases to which it would apply would not, probably, in the first year amount to one thousand, while in subsequent years they would be comparatively few. I have the honor to be, with great respect, your obedient servant.

SAMUEL H. SMITH,
Commissioner of the Revenue.

HON. WILLIAM H. CRAWFORD,
Secretary of the Treasury.

A.

TREASURY DEPARTMENT,
REVENUE OFFICE, July 14, 1816.

SIR: A resolution of the House of Representatives, passed the 9th of March, 1816, requires "that the Secretary of the Treasury report to the next session of Congress whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation."

The Secretary of the Treasury having referred this subject to me, I have the honor of requesting from you, towards its elucidation, such information as it may be in your power to communicate.

From the general attention which you are known to have paid to chemistry and the arts, you will, it is supposed, possess the means of adding to the information to be derived from foreign sources the more valuable lights of your own experience in this country, by which such a practical criterion may be attained as we may safely adopt.

I enclose a copy of the existing act of Congress, which shows the manner in which the duty on stills and boilers is now laid.

The following remarks may enable you, with the greater precision, to give the requisite information.

1. The complete equalization sought can, it is believed, be no otherwise effected than by imposing the duty in such way as in effect to lay an equal burden on the same quantity of spirits of like quality, whether made in stills, boilers, or other vessels used or that may be used for distillation.

2. The duty must be laid on the still or boiler, agreeably to a principle that can be applied at the time of granting the license, and, consequently, before the employment of the still or boiler.

In several foreign countries the duty is understood to be on the capacity of the mash-tubs, or the quantity of wash; but the circumstances of this country and the habits of our citizens forbid a resort to this expedient.

3. It is indispensable that the principle adopted shall apply to all existing and probable cases arising from new forms of distillatory vessels that may be introduced into use, and that it should be so simple as to be easy of application.

Two sources of inequality are alleged to exist under the present system: one arising from the relative inequality of the duty on boilers compared with that on stills, and the other from the relative inequality of the duty on stills.

In regard to the first class of cases, the boilers are said to be of such various construction that the present duty is in some cases much greater than in others, and that this is so to such a degree, as to give the most improved boilers a great advantage over other boilers, and a much greater over stills. Although there is strong reason to believe that there is much exaggeration in the popular opinion on this head, it is worthy of consideration whether the capacity of the vessels that convey the steam would not constitute a better principle for the imposition of the duty than the capacity of the vessels in which it is generated.

In regard to the second class of cases, it is alleged, and certainly with some truth, that great advantages are gained by some stills, from their peculiar size and form, over others. This allegation has been answered by observing that this is, and perhaps, under any modification of the duty, must continue to be the case, as it flows from the progressive improvements in the arts, and is, in fact, intimately connected with their advancement; the advantage incident to every new improvement operating as a bounty. But it is replied, that the different habits of the country do not admit of the general adoption of the most improved implements, and that, considering the

Duty on Stills.

vast number of stills already in use, any duty which operates as a bounty on those of a new construction must be oppressive to the owners of those now in use.

It has been suggested that the duty might, in these cases, be equitably modified by imposing a particular rate of duty on the capacity in gallons to a certain height from the bottom of the still, and different rates of duty on the capacity beyond this point, diminishing the rate with the ascending points, and augmenting the number of these points as circumstances should require. To determine the correctness of this principle, it would appear necessary to ascertain whether the aggregate capacity of the still, accordingly as it should be large or small, would not exhibit anomalous results; and whether its general form, or that of its parts, would not also have a like effect, and in such a degree as to destroy the equal operation of the principle. It is especially desirable that the practicability of this expedient should be effectually investigated.

Should you succeed in fixing any new principle, agreeably to which the duty might be laid, it will still remain to state with precision the means by which it will be best and easiest carried into effect without the use of philosophical instruments, or the possession of other than the elementary principles of mathematics.

As the solution of these inquiries, and the establishment of a general basis for the equitable imposition of this duty, cannot probably be effected without actual experiment and much minute observation, some expense will necessarily be incurred, which will be cheerfully defrayed provided it shall not exceed two hundred dollars. I am not insensible of the awkwardness of any such limitation in a case where a favor is requested; but its correspondence with the invariable usage of the Treasury will, I hope, constitute a due apology for it.

You will much oblige me by an early answer, apprising me whether it will be convenient to you to attend to this business, on which it is desirable that a report should be made to this department by the 1st of October next.

I am, &c.,

S. H. SMITH,

Commissioner of the Revenue.

SAMUEL L. MITCHILL, Esq., *New York.*

Col. ALEXANDER ANDERSON, *Philadelphia.*

B.

Circular to Collectors of the Revenue, No. 31.

TREASURY DEPARTMENT,
REVENUE OFFICE, *July 15, 1816.*

SIR: A resolution of the House of Representatives, passed the 9th of March, 1816, requires "that the Secretary of the Treasury report to the next session of Congress whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation."

The Secretary of the Treasury having referred this subject to me, I request that you will com-

municate to me, previous to the 1st of October next, such information as will, in your opinion, contribute to the formation of a correct judgment. I wish particularly to ascertain—

1. The number of boilers in your district, and their average capacity.

2. The number of stills, and their average capacity, formed into four classes: 1st. Those under fifty gallons; 2d. Those between fifty and one hundred gallons; 3d. Those between one hundred and two hundred gallons; and 4th. Those above two hundred gallons.

3. A general description of the prevalent construction of the stills and boilers.

4. A specification, with as much precision as may be, of the various products of each kind, so as to show the degree of inequality of the present duty, distinguishing particularly between the stills and boilers, and between the shallow and deep stills; and combining with these statements a view also of the relative expense, arising either from the original cost or the accruing charges incident to each kind, and of the quality of the spirits made.

It is not contemplated that these materials should be the result of actual enumeration or measurement, but that they should merely be such as not materially to deviate from the truth.

To this information you will be pleased to add your opinion of the most eligible mode of imposing the duty. I am, respectfully,

S. H. SMITH,

Commissioner of the Revenue.

C.

Answer of Dr. Samuel L. Mitchill to the Commissioner of the Revenue.

New York, Sept. 20, 1816.

SIR: I have the honor of laying before you such reflections as have occurred to me upon the resolution of the House of Representatives, passed the 9th March, 1816, requiring a report to be made whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation.

Considering the difficulties which, in our free country, oppose themselves to the strict examination of distilleries, when in operation, by revenue officers, and contemplating the numberless tricks by which fair dealing is evaded, I should almost be inclined to advise a discontinuance of the duty. Whatever may be said against the immorality arising from the intemperance and excessive use of distilled spirits, it must be owned that the false swearing and deception growing out of a system of false excise add greatly to its amount.

But the policy of laying a duty on distilled spirits not being referred to my consideration, I pass it by. The measure having been adopted, and being now actually in force, it is my business to aid you, in the best way I can, to render it efficacious.

In executing the undertaking, I have availed myself of all the information within my reach;

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such as experiments on distillation by various sorts of apparatus; the different modes of working; the several materials employed; the information derived from skilful and practical men; and the expedients heretofore used to obtain from each distillery a revenue proportioned to the amount and condition of the spirits distilled; and to render my judgment as correct as possible, in an affair of so much intricacy, I have made trials of my own, as far as I deemed them necessary within the term allotted me.

The present inquiry I consider as limited to an excise on the production of spirits, and not on their consumption. I suppose, also, that I am expected to treat it strictly as a matter of revenue. Other considerations, naturally growing out of the subject, as a great article of domestic economy, will, therefore, be spared.

The main object of a duty upon ardent spirits, in the process of preparation, is to derive a revenue for the Treasury from the citizens who pay money to the Government for licenses to carry it on.

There would be little or no fiscal difficulty in the case if the operators would consent to the only mode that exists of ascertaining the matter with precision; that is, by allowing the revenue officer to determine the quantity and quality of the product at the distillery. But as this rule, the fair and just one for the public and the individual, is rejected, it becomes necessary to devise a substitute for it, or contrive some project that shall answer the purpose of ascertaining tolerably well between the parties how much the distiller shall give, and how much the sovereign receive, for the privilege of converting the raw material into alcohol.

In such a state of the question, after all that can be done in the investigation, there will probably remain grounds or pretexts for complaint. It must be remembered, however, that discontent is natural to man; and the expression of that discontent may be considered as effecting, to a considerable degree, its own cure. The paradox contains sound remark which says, "if human beings were incapable of rendering themselves miserable, they would not be happy." If the Government, therefore, in any case can be satisfied that the law it enacts is substantially right and good, the little murmuring that may exist may be contemplated as the remedy for the imagined uneasiness or pain.

The intention of the Government being thus simply to derive revenue from the process of distillation, there are several stages at which the eye of its agents may watch the operation and levy the tribute.

I shall begin by an examination of the following points in regular succession:

1. To lay the duties upon the raw material.
2. To lay it upon the process of fermentation.
3. To lay it upon the process of distillation.
4. To lay it upon the distilled product itself.

Each of these subjects will be separately considered.

It may, at first view, seem a departure from the matter referred to, to consider anything other

than the capacities of stills, boilers, and other implements used in distillation. But when I reflect that revenue is the desideratum, it is believed to be an allowable digression to notice the raw material, for the purpose of examining whether the duty ought not to be laid upon it, as well as for the purpose of introducing more intelligibly the subsequent part of this report.

1st. Concerning the imposition of a duty upon the raw materials intended to be employed in distillation.

An individual may contract with the Government, or its agents, for leave to convert an assigned quantity of a crude article into as much spirit as he is capable of extracting from it. If the Government requires that he shall buy a permit for it, the citizen may be obliged, by law, to pay for the privilege in the manner and to the amount prescribed, or pay a penalty. To distil without a license is now an offence; so it would then be to extract spirit from a raw material without having paid for leave. The difficulty in the execution of such a law would principally arise from the abuse the distiller might make of his license, by distilling more than he pays for. As a preventive of this, the sanction of an oath may be required, that he will not transgress the limits of his license. This will restrain conscientious men. He may be required to enter into a bond with a penalty, subjecting him to damages and costs in case of a violation of its conditions. He should, moreover, be compelled to report, in writing, and file with the collector at the same time, the capacity, number, and situation of his stills and implements; as also the place where they are erected, the quantity of fuel they consume, and the number of hands they employ. This would serve as a collateral or auxiliary evidence. The law may provide that the collector of each district shall possess all this information, to the end that he may be enabled to form a more correct judgment, and know how to detect violations.

The distiller may be watched, and be as much exposed to detection as in the present mode. It would be a circumstance in favor of the revenue that there should be, at the collector's office, an exhibition of the quantity intended to be distilled, as well as of the apparatus to be employed in the operation. Upon this plan, a distiller would be licensed to work upon an acknowledged and specified quantity of materials. On these the Government would impose a corresponding sum. Against transgressions and infractions the same precaution might be employed as at present. It might be expected that some persons of selfish and avaricious dispositions, and of immoral habits, would exceed the bounds of their permits. With the ready means of detection, it may be presumed that these occurrences would not be very numerous, and, consequently, the defalcations not very serious. *De minimis non curat lex*, say the lawyers; and if the Treasury derives a good revenue from the tax on preparing ardent spirits, I would not be over anxious, in a country like our own, about trifling variations. They might be not seen or not noticed.

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On this view of the subject, the law might require that each distiller should state the quantity and kind of the materials he means to employ for the purpose of extracting spirit, and that he should purchase a license from the revenue officer accordingly. The mode of grinding, fermenting, working, and preparing the materials might be left afterwards to his own skill and discretion. If, by extraordinary success in his operations, he should procure much spirit, *pro rata*, from his ingredients, let him, at least for the present, enjoy the benefit of his discoveries. An improved plan of arranging the fiscal as well as the economical details might be reasonably expected to arise, in due time, from careful and reiterated sets of experiments. The Government, by making discreet and reasonable inquiry, would acquire and enjoy the ultimate advantage of them.

A mode of laying such a duty may be conceived thus:

A. Upon domestic materials.

(a) Grain.—Rye, — cents the bushel of — pounds. Maize, — cents the bushel of — pounds. Rice, barley, or any other grain, — cents the bushel of — pounds.

(b) Fruit, or its products.—Pomace or cider, — cents the gallon. Mash of peaches, — cents the gallon. Blackberries, gooseberries, or other fruits, — cents the gallon of bruised pulp.

(c) Roots, and their parts.—Potatoes, — cents the bushel. Other roots, — cents the bushel.

(d) Saccharine juices, or sweets.—Domestic molasses, or sugar cane, grown within the United States, — cents the gallon. Syrup or juice of the maple, — cents the gallon. Juice of green maize, or other vegetables, — cents the gallon.

B. Upon foreign materials.

An increased rate of duty, whenever they come under either of the preceding heads, of thirty per cent. on the existing ratio.

The possession, by a distiller, of materials proper for distillation, other than his own crop, to be considered as *prima facie* evidence of an intention to distil them; but the possessor may show they were otherwise employed. The possession of a still, or distilling apparatus, to be presumptive evidence of an intention to distil, until the contrary shall be shown. The license may authorize the purchaser to distil as many bushels of grain, as many gallons of pomace or cider, as great a quantity of roots, or as much sweet or saccharine juice, as shall be therein expressed. Care might be taken to make him pay for a maximum; and he may afterwards be checked by the capacity of the still, and the duration for which it is employed.

Upon this plan, it appears to me that a certain revenue can be laid and collected. The bulk of the materials would be adverse to concealment. There would be no espionage to offend the citizen by penetrating too deeply into his private affairs.

2d. Concerning the imposition of a duty upon the process of fermentation, when intended to prepare substances for eliciting distilled spirit.

After the grain shall have been ground to meal, the fruits crushed to pomace, the roots reduced to pulp, and the saccharine substance diluted in water, they all, after the extinction of their vital principle, and when mingled with a due proportion of humidity, and likewise moved by a proper degree of caloric or anticropion, commence a train of intestine actions, called fermentation. In the course of these commotions among the particles of the fermenting materials, its original constitution is further destroyed or changed, and new products are formed. Among these is a vinous liquid, which, by the seasonable application of an increased and boiling heat, may be converted into alcohol. The vats or tubs in which the fermentation is carried on may be made the measure of the duty on the spirit the fermenting mass is estimated to contain or afford. Their capacity, like that of the stills, may be ascertained by gauging. The fermentation may thus be made to furnish a rule whereby the amount of duty shall be calculated; the batch of beer, wort, or wash, be excised; or, rather, the future spirit will be dutied in the batch.

3d. Concerning the laying a duty upon the process of distilling ardent spirit.

This is the operation whereby a vinous fluid is changed into alcohol. The liquid is readily volatilized, or turned to vapor; it has, therefore, been called a spirit, or aerial thing. Being readily inflammable, it is termed ardent spirit. As one of its remarkable effects on the human constitution, when applied to the olfactory organ, or to the inner coat of the stomach, is to produce drunkenness, it has been distinguished as intoxicating or inebriating spirit; and inasmuch as it has usually been prepared by that sort of alembic called the still, it has been known by the name of distilled spirit. This conversion takes place in consequence of new chemical affinities among the constituent parts or particles of the material or thing distilled. If it remained in the vat or tub in the ordinary temperature, the vinous would change to acetous; or, in other terms, the wine would turn to vinegar. By being exposed to a higher and quicker heat the fermentation is suddenly stopped, and a new product formed by the change of the vinous matter to spirituous, or by a conversion of wine to alcohol.

In laying the duty upon this process of conversion, the capacity of the alembic, whether still, boiler, or any other vessel, has been considered by some as affording the best rule or criterion by which the product could be judged.

I remember very well the difficulty which had arisen on this method of estimating the price of a license before the year 1802. Some of the distillers had discovered new and improved ways of working, by which they were running off greater quantities of spirit than had ever been practised. They who adopted these improvements actually procured unusual quantities of alcoholic fluid, through stills of very moderate capacities, in a surprisingly short time. This was effected chiefly by the construction of the distillatory vessels. They had broad bottoms, with an extensive sur-

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face for exposure to the fire; they had low heads, so that the vapor had but a short distance to rise. The heads were capacious, enabling the condensation to be performed there, and within them. Such condensation altered the capacity of the spirit to contain caloric. While in the vaporous state, the spirit contained a large proportion of caloric; on condensing to liquid, its capacity for caloric was so much diminished, that a great deal was left for absorption by the surrounding bodies. To receive this disengaged and abundant caloric, the distiller had aptly contrived to surround the head of his still by water, or by the fermenting liquid of the vat. If water was employed, it became heated, by this admirable piece of economy, to a degree fit to answer the purpose of macerating and fermenting the raw material in the tubs or vats. If the wort, beer, or fermented mass, was made to encircle or surround the head of the still, that wort, beer, or fermented material itself became heated, and prepared the better to be received into the body of the still. While condensation of vapor is going on within the head, the spirit so brought to a liquid state on its inner surface was received, as it trickled down, into a sort of canal, trough, or gutter, near the neck of the still, and carried through the worm to the extremity of the tube, to be drawn off. By this contrivance, the liquid spirit condensed in the head was collected within the neck, and, instead of falling back into the body of the still, to be elevated by force of fire anew, was fairly carried off, very economically, at once.

For certain facts and proceedings relative to distillation, I refer to the report of the Committee of Ways and Means for 1802, as it is recorded substantially in the sixth volume of the Medical Repository, page 208, and to the eighth volume of the same work, pages 148 to 164, for a review of Krafft's American Distiller. In the former of these, the quantity actually distilled is considered the only sure test; and, in the latter, it is shown how a still of small capacity may produce a great quantity of spirit.

The advantages derived from the new mode of constructing stills rendered the duty then in force upon their capacities so unequal and inefficient, that an immediate remedy was demanded. Some progress had been made in devising a legislative expedient by the proper authorities, when it was determined by Congress that the internal taxes should be repealed. That act, the moment it took place, superseded all further attempts to raise money for the Treasury by a duty on distillation. The subject was dismissed from the investigation of our political economists. But the invention of distillers was as active and busy as ever. Persevering in their efforts, they went on, adding one improvement to another, until they have facilitated and cheapened the process of distillation, and the art of procuring ardent spirit from the crude material, almost as much as is practicable.

At length, after so many amendments in the distilling apparatus, and so many alterations in the distilling process, the Government once more came forward and demanded of the distillers pay-

ment for the privilege of converting vinous liquor into alcohol.

The difficulties in the way of laying the duties in an equitable manner would be very much diminished if all the stills and apparatus for distillation were constructed upon one and an uniform plan, and all of them worked, as then they would be, by a similar and corresponding process.

These inequalities may be referred to four principal heads:

1. Of stills constructed upon the old plan.
2. Of stills constructed not exactly upon the old plan, and yet not upon the best modern improvement.
3. Boilers, or a distilling apparatus worked by aid of steam, or boiling vapor.
4. Of other modern contrivances, such as log stills, rectifying vats, and some other utensils, not belonging strictly to either of the former descriptions.

I consider some of these as inferior modes of distillation. Consequently, a high duty laid upon the capacity of such, according to the rates of the most improved still, would bear heavily and unequally. It must check the progress of distillation, by forcing a number of the distilleries to stop; for the man who used the most improved still, and performed three times as much work, paid no more duty than his neighbor who distilled only a third upon the same tax. The enemy of distilled spirits has no cause for exultation on this event. The deficiency of domestic liquors was made up by importations from foreign places. Rum has been brought from the West Indies to supply the want of whiskey. A policy in the British colonies favorable to distilling for exportation furnished the spirit drinkers among ourselves with as much as they desired.

Congress, if I rightly understand their statute on the subject, make the capacity of the still the rule whereby the duty is laid and collected.

The acknowledged inequality of this rule is not very easy to correct. There are stills constructed in the old way, with contracted bottoms, enlarged bellies, long necks, and high small heads. Some of these have been erected at great expense; the proprietors do not incline to pull them down and erect modern stills in their stead; but they persevere in working them under all the comparative disadvantages. In many instances these distilleries, with their fixtures and apparatus, are let or leased to other persons. It cannot be expected that a short lessee or temporary tenant will cause expensive alterations to be made, which the landlord or proprietor himself would not authorize or undertake. The person who occupies such a distillery works the existing apparatus in the best way he can; but if he pays the duty on the capacity at the rate required for improved and modern stills, he pays proportionably, perhaps, a double duty and more.

It has been said this inconvenience is chargeable to the ignorance and obstinacy of the owner, or his lessee, who might change the form of their stills, and put themselves on a footing with their

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neighbors. So they might, and of right they ought to do so.

It is not wholly conformable to our usages to direct individuals how to conduct their private concerns; yet, in the materials, and sometimes in the manner and place of constructing houses; in the execution and registry of deeds, mortgages, and wills; in the navigation of ships; in the importation of merchandise, and many other cases, the Legislature beneficially interferes and directs. So, in the present instance, the Government might, upon considerations of the soundest policy, refuse altogether to grant licenses to those old-fashioned stills. It might be declared that licenses should be granted to stills on Anderson's, Krafft's, or Parsons's construction, or any preferable one which the Treasury should choose. This would stop all the others, and compel the present complaining owners and possessors to model them anew, conformably to the provisions of law.

Such a regulation might seem to border rather more upon the imperative than could be wished. In reality I believe it would be found far less inconvenient than at first sight it appears. Already the old stills are a sort of depreciated property; in the progress of improvement their value must suffer a further diminution. A distiller, whether he owns the establishment he works, or hires it of his neighbor, will reasonably wish to pursue his business in the approved and modern way. A distillery upon the improved plan is worth more money to the proprietor, even if he works it himself; it will bring more rent if he lets it to another; therefore, the alteration necessary to bring the old-fashioned still to the modern standard of excellence, though expensive in the first instance, will, in the end, be substantially better both for the owner and occupant; the improvement will enable him to do more business; his work will be performed in an easier and better manner. The practical result from the whole is, that the new fixtures and apparatus being made to conform to the new principles of distillation, the inequality arising from the unequal quantities distilled in different distilleries, under the same duties, will be wholly done away, or reduced to a trifling variation.

Such a regulation of stills I conceive to be a Constitutional power. My experiments and observations convince me it is necessary to render them as uniform as possible, that the duty may also be equalized as nearly as practicable. There is no expedient within my knowledge that promises so fair and equal a result; it ought to be required of all distilleries to comply with the rule, and all will then be upon equal terms. But while a marked difference exists in the construction and working of the distilling apparatus, I question very much whether any rule can be found that will apply to them all; at least I must own that the experiments whence such a regulation can be deduced are not within the circle of my knowledge.

In this case the alleged inconvenience to the citizen will be pronounced by the liberal and patriotic statesman as one to which he ought to

submit for the public good. It is obligatory on him to comply, and cheerfully too, with so reasonable a requisition. No man is obliged to distil ardent spirit; they who embark in the business are bound by feelings of respect to the Government, and of obedience to its wise and wholesome laws, to comply with a rule so practicable and so useful.

Upon a moral contemplation of this subject the argument is conclusive in favor of the project now offered; the baneful effects of numerous small stills all over the country are universally acknowledged; their number ought to be lessened. The business would be rendered more easy for the collectors of the revenue, if licenses should be refused, peremptorily, to all stills of a smaller capacity than say thirty gallons. I should recommend such a restriction, both as salutary in its tendency, and beneficial to the revenue. The Government, which concedes a great deal to the accommodation of the citizen, may expect in return some condescension, some conciliation on the part of the citizen.

If our people, in the exercise of their inventive powers, choose to modify their apparatus a thousand different ways, I see no ground of substantial justice or of sound policy that should induce the Legislature to follow them through all their meandering and devious courses. If, nevertheless, Congress should not judge it safe to proceed in this way, nor feel an inclination to reform, by this radical measure, the actual irregularities, it is much to be feared no method can be adopted that will go so far to equalize the duty on the process for forming alcohol.

Hitherto I have indulged my thoughts conformably to the instructions received from the Commissioner of the Revenue, to devise some new method of imposing the duty, in such way as will lay an equal burden on the materials and vessels used in distillation.

On summing up the evidence upon this part of the inquiry, the following conclusions rationally present themselves:

First, the duty on the raw material may certainly be made as uniform as anything that is the subject of legislation. A distiller pays for the quantity he means to work up, and for no more; the main difficulty will be to prevent his working up more than he pays for; yet a due degree of vigilance will methodize this matter tolerably well.

Second, the same remark may be applied to the fermenting vat. The capacity of this reservoir or vessel, ascertained by the gauger, will afford a rule by which the duty may be evenly and regularly estimated. But magnitude will not disclose the frequency of the charges, nor will it show how often the industry and skill of the distiller shall repeat his fermenting batches. The presumption arising from a knowledge of the quantity of materials that may be fermented at a time, and an acquaintance with the term for which a license is taken out, with some other particulars and details, will enable a tolerably correct opinion to be formed of the quantity of grain, fruits,

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roots, or juices intended to be distilled; the tub or vat may be rated accordingly.

The rule thus, with all its imperfections, will be found full as good as that which refers to the capacity of the still, without knowing how frequently it is charged and discharged.

For the reason stated in the Commissioner's letter, I have endeavored to avoid the stationing an officer in the distillery to determine the quantity of beer or wort; but simply to use the ascertained capacity of the mashtub or fermenting vat, as a sort of index to the amount of alcoholic liquor the distiller intended to prepare. To this it is probable the habits of our citizens would oppose no serious objection. The small variance that might exist in the fermenting process of different vessels will, it is believed, make no memorable difference in the proceeds. A person experimentally conversant in these proceedings would not fail to urge the importance of causing all the fermenting vessels to be constructed according to a form which the law might prescribe, or empower the revenue department to direct.

Third, the uniformity already recommended in the construction of stills will naturally lead to an equalization of the duty upon them. When the vessels, apparatus, and utensils of one distillery shall be similar to those of another, the respective proprietors will have no cause to complain of disparity; nor will the revenue department be puzzled, as at present, for a rule by which equal justice may be measured to all.

Fourth. Concerning the imposition of a duty upon the distilled product itself.

This is introduced into this report chiefly for the sake of method; being not a part of the subject referred, it is not discussed. But if it had been proposed for my consideration, it might have been rapidly disposed of, inasmuch as other Governments furnish volumes of precedent and practice in relation to it.

I have thus considered, in such way as I supposed pertinent, the four fundamental modes of equalizing the duty; but I have by no means exhausted the subject; other modes of laying it upon the distilling process remain to be mentioned.

Should Congress not venture to regulate, by law, the construction of stills, nor to refuse licenses to those below a certain and defined capacity, another expedient may be tried. This consists in arranging all distillatory vessels under three heads:

1. Stills, properly so called.
2. Boilers, where steam is an auxiliary.
3. New improvements on both, and preferred to both; of which preference the erection should be considered as evidence.

I shall examine them separately.

1. There is no need of defining what particular apparatus, or connexion of vessels and implements, constitute a still. I take it for granted the meaning is perfectly understood by those who superintend the revenue, as well as by those who prepare alcohol. It might be insisted that all the vessels coming under the character of stills, as I

am now considering them, should be conformed to a special regulation. To render it as little inconvenient as possible, the regulation might go into effect at an assigned future day, say six or twelve months after the passing of the act; until then the present rate of duty might be continued; as at present, stills ought to be subjected to the lowest rate of duty. As far as experiments warrant a conclusion, they will hereafter be continued at the most moderate tax of the three grades. It might be easy for Congress to favor those persons who promptly complied with the new and improved system, by exempting such as were willing and obedient from the payment of the duty for three or six months, as an indemnity, encouragement, or reward.

I present this to your judgment as a cardinal point, under a firm persuasion that, with prudent management, the reform may be wrought in a tranquillizing manner, without oppressing, or even alarming the citizen. The proposed amendment in the system will be gradually introduced, and in the end be as favorable to the interest and comfort of the distiller as to the uniformity of laying the duty, and the ease of collecting it.

2. Boilers, as the act expresses it, are the utensils employed for the purpose of generating steam in those distilleries where wooden or other vessels are used instead of metal stills, and the action of steam is substituted for the immediate application of fire to the materials from which spirituous liquors are distilled. I have not, as yet, been satisfied, during the short and limited time allowed by the authority under which I act, that there can be any practical distinction established between the several sorts of boilers; all of them are utensils or instruments of a similar nature; they depend upon the same principle; they are so analogous in their nature and construction that they ought to form a distinct and separate class of cases. I therefore recommend that measures be taken to cause boilers to be constructed according to a prescribed rule, model, or form. They will thus be clearly discriminated from stills, and be arranged entirely by themselves. This may be done under the same provisions, *mutatis mutandis*, as for stills. It will produce uniformity, or an approximation to it, near enough for the purposes of revenue; it being understood what a boiler is, as contradistinguished from a still, and all the implements of that kind classed together, they may all be dutied upon a principle deduced therefrom, and pervading the whole class. The existing statute appears to me to be correct in deciding that boilers should pay a higher duty than stills. As far as my mind is guided by experimental assays, the present rate of a double duty is as low as the distiller ought to pay, or the Government to receive.

3. But I would place in a third class all the vessels and implements for distillation varying from stills and boilers at the time of passing the law, and comprehending all improvements in distillation after the act went into operation. To this class of cases an additional amount or third rate of duty ought to attach. This augmented

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sum may be reasonably demanded, under a presumption that the newest method adopted is preferable to any other in use, or the distiller would not employ it. To erect and work such apparatus would admit a construction that it possesses certain advantages. A greater quantity of spirit prepared by each gallon of such vessel's capacity probably subjects that vessel to an increased tax. The proposal now offered will, it is hoped, serve as a reply to that paragraph of the Commissioner's letter relating to "probable cases arising from new forms of distilling vessels that may be introduced into use." The regulations of law may then follow close by on the heels of discoveries, if they do not travel *pari passu* with them.

Thus I have endeavored to fulfil the promise I made you, by submitting to your discernment my views of a radical cure for the disorder; and, if that should be declined, of a palliative course of treatment. Some other ideas press forward with earnestness, and importune me to reduce them to writing. I gratify them, and honor them by an incorporation into this report. Read on, and you will discover them.

I have attended to the Commissioner's suggestions of proportioning the duty, in an inverse ratio, to the height the spirit has to rise from the bottom of the still. It does not appear, from experiments, that anything could be gained by that expedient; for it would be easy to construct stills exceedingly low, and to take off the spirit a few feet from the bottom. The breadth and extent of the evaporating surface might be substituted for height in estimating the amount of liquor distilled. Besides, the dissimilar forms of the still, the different area of surface receiving caloric and exhaling vapor, the disproportionate skill and convenience for applying the fire, and several other incidents to the process, all concur to produce varying results, which are not sufficiently digested to constitute the basis of any fiscal arrangement that aims at correctness.

The means of surmounting these anomalies are comprehended in the modes of reform proposed in the preceding part of this report, of the distilling apparatus itself. Until something of this kind shall be done, I do not perceive how there can be either a uniform or equal method of laying the duty. But that uniformity being once established in the construction of stills, will lead, of course, to uniformity in the mode of working them, and thereby an equalization of the product be so far estimated, that, taking the several parts of the operation together, a rule may be discovered for fixing the duty in a fair and equal way upon their evaporating surfaces.

It is also suggested by the Commissioner of the Revenue, that possibly the capacity of the vessels conveying the steam might constitute a better principle for the imposition of the duty than the capacity of the vessels in which it is generated. I have attended to this point as minutely as I could; and have not been able to derive from it any practical rule. The main difficulty arises from the velocity of steam, like that of any other fluid in a small pipe, enabling it to transmit an

equal or even a greater quantity than, under a slow movement, will be conveyed by a larger one. The diameter thus affording no safe criterion, any duty predicated upon it would, as far as my observation and judgment go, be but a mere estimate, and a very rough one too, of the duty that a boiler ought to pay.

The intricacy of tracing the application of steam to a measure of capacity of any kind is increased by the constant progress of invention and discovery. The talent of our citizens is incessantly occupied in devising novel and improved methods of doing business. One of the later contrivances, and a most ingenious one too, is to carry the alcoholic vapor of the still direct into a wooden vessel of clean water. The steam of the spirit soon raises the water to the boiling point. It then distils over into another vessel containing water, which, being heated in like manner by the condensed steam, passes over to a succeeding one. This operation is carried on through a series of vessels, which perform the work of distillation and rectification at once. And, in the midst of all these operations, conducted by means of capacious and successive boilers, the duty is construed to attach the body of the still, or there is a dispute, or perhaps a lawsuit, with the collector about it.

Experiments are likewise making to distil spirits in an apparatus exhausted of atmospheric air. By performing the operation *in vacuo*, it is presumed much fuel will be saved, on account of the easier rise of vapor. The authors of this project are very sanguine in their expectation of a highly advantageous result. It is within my knowledge that attempts are making to quicken and economize the evaporating or distilling progress by the removal of atmospheric pressure. The continuance of experiments will, in time, show their bearing and importance.

The way of laying the duty upon the steam tube, when traced to its source, resolves itself into a duty on the fireplace, or rather into a duty upon the fuel consumed in the fireplace of a distillery.

I shall offer a few remarks upon the project of laying the duties on the fuel employed in distilling spirits before I conclude my task.

The capacity of the fireplace has been proposed as the measure of the duty. To me the fuel actually consumed in a distillery seems preferable. The quantity of fuel burned per month or per year in a distillery can be ascertained exactly. Each cord of wood, or an equivalent in coal, may be estimated to produce a corresponding quantity of spirit. There may be small variations, according as maple, birch, beech, oak, hickory, pine, or any other wood is employed. The calculation might be made upon oak, as the most common in the United States. The average ratio between the fuel burned and the spirit produced can be ascertained without any serious difficulty.

Fire is the agent by means of which vinous matter is turned to alcoholic. If the quantity and strength of the agent could be measured, such measure would be precisely what we want. The

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caloric passing into the still, boiler, or other vessel, being ascertained, there would be a measure of the vapor or spirit elevated.

Fuel either contains the caloric, or possesses, during its inflammation, the power of extricating, of exciting, or of collecting that caloric. A discovery of the mean rate at which burning fuel produces spirit would enable a very equitable rule to be established as to the quantity of spirit distilled from the quantity of fuel consumed.

The duty might thus be laid upon the wood pile, or, if coal was employed, upon the coal yard. The object is to gather money into the Treasury, for the privilege of burning fuel to distil spirits. The quantity of fuel could be measured, without prying into the secrets of private transactions. The bulk of the articles would prevent much concealment and fraud. The amount would be altogether an out-of-door business. The permit may specify leave to distil as much spirit as the number of loads or cords therein mentioned could produce, or license to consume the prescribed quantity of fuel for the purpose of distilling ardent spirits.

I have thus reviewed the subject, as it relates to the levying the contribution upon the raw material, upon the fermentation, upon the distillation, and upon the spirituous product. I have considered the consequences of classing the distillatory apparatus into stills, boilers, and improvements, and of dutying them accordingly. I have discussed the altitude of the still, the capacity of the steam tube, and the consumption of fuel in the fireplace. But if, after all that has been proposed, it should seem difficult to decide upon any of them, another resort, the simplest and perhaps the best of the whole, is left to the financial calculator.

This is merely to collect from each and every distillery, or individual body of distilling apparatus, a stipulated sum, without regard to the magnitude or extent of the works. This sum ought to be a minimum, such as the smallest permitted might pay.

There is a striking analogy between the licenses to retail spirituous liquors and on licenses to distil them. The tax on production is the correlative to that on consumption. In the former case, no question is asked whether the retailer has a good run of custom or not; and in the latter, why should the Government agitate itself and torment the distiller to find out whether he is successful in his business or otherwise? Let the Treasury take a reasonable sum from each and be satisfied.

The suppression of distillers at home, by an undue and exorbitant duty, is a very dubious policy. The discontinuance of business by many of them is followed by an increased importation of rum, brandy, and other distilled spirits from abroad. The Treasury loses the duty of excise on the distillation, but it gains by the impost on entry. Yet the people drink the spirit. I therefore suppose the fiscal and moral accounts are balanced.

In this posture of affairs I have been induced to submit whether, under existing circumstances,

the sum of (twenty or more) dollars be laid upon each distilling apparatus worked within the United States, without any calculation of quantity, quality, capacity, or anything else.

A review of the progress of improvement in this business will show that, between the years 1790 and 1798, it was discovered, by a most ingenious citizen of Pennsylvania, how steam might be applied to heat, and even to evaporate liquors; how the fluid to be distilled might be employed to condense the vapor of the spirit; how the project of a perpetual still was conceived; and how the removal of atmospheric pressure by the air-pump had been thought of. And since that time Brown and West's patent, in 1803, for distilling in tubs; that of Bernard in 1811, and of Gamble in 1812, for something in the nature of — improvements on the same process; and lastly, Gillespie's mode of distilling spirits by means of reservoirs for holding the liquids, cut out of the solid wood of large trees felled, squared, and suitably excavated for the application of fire and steam; all evince the unparalleled assiduity and indomitable perseverance with which the economy of distillation has been pursued. The ingenuity of our citizens, in this respect, deserves the warmest encomium.

But I have one other remark to offer in favor of a moderate duty on alcoholic spirit. Man is not a mere water-drinking animal; or if he is so, it is only in the states of society where ignorance or servitude prevails. Cultivation and freedom teach him the advantage of sustaining the strength of the laboring citizen by mingling some stimulant or invigorating ingredient with his draught. Wine is too dear for general use. Malt liquors are not universally congenial to the palate and stomach. Vegetable infusions, as of saffron and spruce, have but a limited demand. Cider too often offends the bowels and the kidneys by its sourness.

Our country abounds in corn and the other materials whence spirit can be drawn. A great deal more is raised than is necessary to support its inhabitants with food. There seems to be a strong plea for converting into drink that part of the grain which the people do not intend to eat. If they who enjoy liberty will or must have some comfortable potation, I am satisfied that whiskey is the best. The harm to be dreaded arises, not from taking it within the bounds of health and moderation, but from swallowing too much. Against all excesses and evils of this kind, I scarcely suppose it necessary for me to bid an intelligent and virtuous people—beware!

The whole of which is respectfully submitted,

SAMUEL L. MITCHILL.

D.

PHILADELPHIA, July 27, 1816.

DEAR SIR: Your request, that I will give you my opinion on the best mode of laying an equal duty on spirituous liquors made in the United States, also keeping in view a simple plan of col-

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lection, shall be complied with as far as my talents will reach.

The different plans resorted to in Europe are, a duty on the capacity of the still, including the head; a duty on the liquor distilled, of a certain standard strength; and a duty on the wash before it is distilled. The tax on the still and head I believe to be the only way in which a fair duty can be collected on the distilleries in America: it is more equal, easier of collection, and less liable to fraud, with less irritation. I think the duty, at present, should not exceed one dollar per gallon on the capacity of the still and head, without including the condensing part, which, if taken in, would operate very unequal, as those which have little water require larger condensing power; those which have plenty of water, but little room for condensation; it therefore could not operate equally; also, the condensing part would be immediately so reduced, that Government would get but little by it, and cause much irritation. Where the duty is laid on the still and head, the tax must be paid; there is no intricacy, and little trouble in collection. The duty on spirits of a standard strength, at first view, looks well; but wherever it is put in practice, such a scene of fraud, false swearing, and villany takes place, as can scarcely be believed; and it would be impossible to collect the tax, even if you were to place one officer to every two distilleries in the United States; and even then you would not get the whole. This mode would be so expensive and troublesome, and attended with such difficulties, as to render it, in this country, almost impossible. When the distilleries are very large and few in number, the difficulties would not be so great; and then you would not get more than three-fourths of the liquor made from many, while others would give the whole.

A tax on the wash, ascertained by gauging, is quite as bad, and deception as easily practised. It is also very unequal; molasses wash contains about twelve per cent., cider ten, peach twelve, and grain wash three to five. To the eastward they work the wash very thin, say three per cent.; in Lancaster county, and westward, four to five per cent. The difficulties appear to me insurmountable in either of the last-mentioned cases, and would destroy the distilling business almost certainly. This, I should suppose, the Government would not like to do, but rather foster it in a proper manner.

Let us now examine how the duty on the stills will bear to each other, viz: the common still, the flat still, the boiler and wooden still, and the still where the wash is used instead of water to condense the steam raised by distillation.

1. The common still. One wash still of one hundred and twenty gallons, with its attendant still of sixty gallons for rectifying, will pay three hundred and sixty dollars (present duty) in one year. This wash still will be run into common four times in twenty-four hours, charged with ninety gallons of wash each time, (there must be room for the wash to boil up, and not run over in the condensing part,) which, on an average, when

the wash is four per cent., will produce fourteen gallons of whiskey in twenty-four hours, fifteen per cent. below proof by Dicas. Deduct for casualties, such as the stills getting out of order, want of a supply of grain, (which often happens,) say thirty days, makes 3,370 gallons in one year, which is nine cents per gallon; this still thirty-two inches, bottom forty widest part, thirty inches deep, with a head.

2. The flat still. Still sixty inches bottom, ten inches deep, charge ninety gallons wash, same fire and attendance as the common still, will gain about one distillation in fifteen, and not more. It has been for some time received as a fact, that an extended surface yields a more copious evaporation, independent of the quantity of liquor; this may be true in part; experience does not verify it, but to a small extent. The boilers of the steam engines are, perhaps, the best proof of this. Great has been the ingenuity expended on this subject; the difference as yet is but small; the quantity of fuel and water being the same, the shape of the boiler is of no great importance; the proper construction of the fireplace is more to be attended to, that the wood may be consumed in the best manner. Count Rumford has, I think, led the public astray somewhat by small experiments. The common still and flat still may be run ten or twelve times in twenty-four hours, but then you put in but seventy gallons of cider or molasses wash, and increase the fire much; grain wash would not bear the operation; it would burn and destroy the liquor; and, indeed, with either there is nothing gained.

Let us now examine the steam boiler and still attached to it. Much more has been said on this subject than is true; the distillation is not more rapid than the other. The duty being laid on the boiler was, I think, a great mistake. The stills are certainly the proper vessels to lay the duty on. A boiler of 100 gallons may be made to work two stills of three hundred and fifty gallons, each with one still of 100 gallons for rectifying; the steam is let into the two stills alternately, and from one into the other; also from either into the rectifying still. The duty on the boiler of 100 gallons would be \$432 for one year; the duty on the three stills would be \$1,662. The quantity of whiskey these stills would make is about 65 to 70 gallons per day, fifteen per cent. below proof; deduct thirty days for casualties, and you have 17,500 gallons, rather more than ten cents per gallon. Perhaps eight cents would be found nearer the truth; the duty on the boiler about two cents; this is about a fair representation. The boilers in use, when they were first taxed, were large; the tax soon brought them into small compass. The stills cannot be reduced. It ought to be observed, that this mode of distillation has the advantage of not burning the liquor, and is not so liable to run foul, (that is, run over into the worm,) which, when it does, the distillation must be stopped for awhile. It should also be mentioned that it is somewhat dangerous, and it throws too much water into the wash, which renders it impossible to get the whole of the whiskey

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from it. The condensing part of these stills is small, not more than is usually attached to a common still of 100 gallons.

The subject requires further investigation. I will endeavor soon to make some experiments on these stills; evaporation, as yet, being but little understood.

The improved still, where the wash is made use of to condense the steam in place of water, is not to be examined. These are usually run off six times in twenty-four hours; of course one-third more of whiskey is made in twenty-four hours, and the duty reduced to six cents per gallon. This, at first view, appears unequal; but really no distiller has any cause of complaint. If those that use the common still do not see some advantage in it, they would adopt the other, which would equalize the duty at once. This improved still does not run faster than the common still, neither can you put in a larger charge, as it is as liable to run foul as the common still. The gain is wholly in making use of the wash in place of water, by which three distillations are made in place of two; the wood saved is also considerable; the difference of labor very trifling. The Government would do wrong to lay a tax on ingenuity. If every improvement in the arts would afford the United States as much money as this has done, they ought to be satisfied; besides, the principle is a wrong one. If in place of the United States giving a bounty on this, they should prohibit it by laying a heavy tax, and bring back the distillation to the old form, what would be the consequence to the revenue? There is no doubt it would be lessened very much. If a tax had been laid on it when first brought into use, it would have been fatal to it. This was proposed in Congress in the year 1811; but, it was observed, they would not consent to lay a tax on ingenuity. In the year 1795 I went to Lancaster, and built a mill and distillery near Columbia, on the banks of the Susquehanna. At this time there was, I believe, not more than thirty or forty small distilleries in Lancaster county, making from twelve to fifteen gallons per day. The current opinion then was, that stills larger than 120 gallons could not be used to profit. Having discovered the principle of conveying heat by steam in the year 1790, I showed a plan of it to Mr. Jefferson, and asked him if he thought it new, particularly its application to distillation. He said he thought it was; he had not met with it before. After satisfying myself it was correct, I put it into use in Philadelphia, and took out a patent for it in 1794. In the year 1795 I built a distillery at Columbia to work with steam, which was worked in this way three years. Meeting with an accident, from the carelessness of one of the workmen, I discontinued it. In the meantime I had discovered that the wash condensed the steam nearly as well as water, and the steam passing under it without pressure, would not make it boil; of course, if it was confined in a close wooden vessel, there would be no loss by evaporation; this was in the years 1798 and 1799. The distillery was then put up on

this plan. I would here observe, if cider or molasses wash is used to condense the steam, they are made to boil, and the loss of liquor is great.

From this period you may date the great increase of distillation in Pennsylvania, and also to the East, West, and South. I believe it is correct to say that there are one-third more distilleries in the United States than would have been had not this improvement taken place. Of course, it is fair to state that the revenue on distilling has been increased one-third; I do not think it would be out of the way to say one-half. Now, had a tax been laid on it, a damp would have been felt, and the present revenue would have been much less. Many distillers wish a tax laid on it even now, that others may be deterred going into the business. The United States have received much revenue from this invention. How has the inventor been remunerated? Scarcely at all. Distillers have taken the liberty of putting them up and using them, without paying the moderate sum of fifty dollars for a still of 120 gallons. Why did you not bring an action against them? Law suits are so expensive, and my time taken up to make a living for a large family, and no money that I could spare for that purpose, prevented me, and still does so. I certainly ought to have something for it. How to come at it I do not know.

The subject of an equal tax on distillation has employed my thoughts for twenty years, and I am convinced there is no mode of coming at it in this country, where the distilleries are so extended, otherwise than laying a fair tax on the still and head. I cannot see any reasonable objection to this. It is certainly more equal than any other, easier for collection, more simple, and cannot be well used without paying for it.

The distillation in America will require great care and much attention from the Government. How far the admission of foreign liquors will interfere; whether it is more for the general interest to suffer foreigners to supply this country, or to supply ourselves; various are the opinions on the matter. I suppose there may be used in this country about twenty-four millions of gallons of spirituous liquors, about three gallons to each individual. If this is imported, the revenue will be considerable; if made at home, much less. In time of war, the revenue would almost cease. It would not then be possible to obtain a revenue from home-made liquors under two or three years. At present, these are combined; foreign liquors are admitted subject to a duty of forty cents per gallon, home-made liquors to a tax of about eight cents. This, I think, is not a sufficient difference, and, while it continues, foreign liquors will supply the market in the United States. This probably will be denied, but, if searched into, will be found to be nearly correct.

I believe France, England, Spain, or Holland do not admit foreign liquors on any terms, as they are able to supply themselves; and it may be well to consider what an enormous sum of money we should pay to foreigners for an article the United States can make themselves. The duty, in my

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opinion, should not be less than seventy cents per gallon on foreign liquors. This will lay a foundation for an increased revenue from domestic liquors whenever it may be wanted. If something of this kind is not done, the distilling in the United States is nearly at an end. Should things continue as they are at present for nine months, I am very certain there will be scarcely one distillery of grain on this side of the mountains. The farming interest is deeply concerned in the business, and will feel the stoppage of distilleries very sensibly. This state of the distilleries was pointed out to the Committee of Ways and Means, the Secretary of the Treasury, and the Commissioner of the Revenue, last February was twelve months, directly after the peace, by a committee of three distillers, who waited on them for that purpose. They were thought to be interested, and no attention was paid to what they said.

I would now inform you that more than one dollar per gallon on the capacity of the still and head will be improper and really injurious to the revenue. It has often been said that a high duty should be laid on whiskey to prevent the use of it. This is so stale an observation, and so untrue, as to be worth no notice. People will drink it; and, as it is the principal beverage in the United States, it cannot be done without. This being the case, it is better to keep the money at home than to give it to foreigners for a supply of this article.

It will be objected by the distillers of molasses that this mode of tax will operate very unfavorably to their business. A still employed in the making of rum from molasses will stand thus: one still of 1,100 gallons, with its attendant rectifier of 250, will pay about \$3,200 per year; (about \$13 per day;) these stills will make about 130 gallons of rum in twelve hours, which is about ten cents per gallon; and if worked the twenty-four hours, will reduce the duty to 6 cents. This, therefore, can be no hardship on them. Present state of the market of foreign and domestic liquors: imported liquors from 90 cents to \$1 20 per gallon; domestic, 56 to 65 cents per gallon; rye, \$1 25 per bushel; corn, \$1 30 per bushel.

I have the honor to be, with much respect,
yours,
ALEX. ANDERSON.

SAMUEL H. SMITH, Esq.,
Commissioner of the Revenue.

E.

PHILADELPHIA, Sept. 12, 1816.

DEAR SIR: I will now endeavor to send you the result of the experiments made, as I proposed. I am not apt in expressing my thoughts on paper. If I were with you a day or two, I could give you a much clearer view of things than by writing.

These experiments were made with a boiler containing twenty-six gallons when full; twenty gallons of water put into it, (the boiler steam tight,) six gallons being left out, that the water might have room to boil up and not run over; fire made under it with common pine wood. In

forty-five minutes it began to boil; to do this consumed twenty-two pounds of wood; the water, when put into the boiler, was 63 degrees by Fahrenheit's thermometer. So, then, twenty-two pounds of wood communicated to each gallon of water 149 degrees of heat to make it boil, or 2,980 degrees to the whole, or twenty gallons. There was a contrivance to supply the waste water in the boiler, so as to keep it always to twenty gallons. The steam was then let into a wooden vessel, in which were forty gallons of water, 63 degrees. In ninety-three minutes, the forty gallons of water began to boil; consumed under the boiler forty-five pounds of wood in these ninety-three minutes. The quantity of water passed in steam from the boiler into the forty gallons and condensed was seven gallons; this ascertained by actual measurement. I put in forty gallons, and measured out 46.75 gallons, 25 or one quart being allowed for waste by evaporation, as the water was hot when measured; the heat that passed with the steam communicated to each of the forty gallons 149 degrees, or 5,960 to the whole. So that each gallon of water raised in steam conveyed with it 851 degrees of heat, and consumed rather more than six pounds of wood.

The above is the result of a number of careful experiments. Let us now see how this will bear on distillation, and how far it equalizes it.

In the first place, it plainly shows that the distillation by steam is not quicker than by the naked fire.

The boiler of twenty-six gallons passes over five gallons per hour, giving sixty gallons in twelve hours, and twelve hours to bring the wash from cold to boiling, making about four distillations in twenty-four hours, is very near the work in common distilleries, when a wash still is used of one hundred and twenty gallons, and a doubling still of forty-five gallons. As the wooden stills for a twenty-six gallon boiler would be about the same size, the quantity of liquor made would be about the same. If you enlarge the stills the proportion would be about the same, as the steam has no advantage over the naked fire. But the duty is very unequal on the twenty-six gallon boiler; the duty is \$112 32 per year; on the stills of 120 and forty-five gallons, it is \$378. Now, if the duty were on the wooden stills, and not on the boiler, the thing would be nearly equal; and if this should be the case, they would gain but little by enlarging the boiler, as they must also enlarge the stills. You can use a small boiler to a large still; but if you raise a large quantity of water from a large boiler or fire, and pass it through a small quantity of wash, you gain but little, as you would then raise so large a proportion of water from this rapid distillation as nearly to defeat the purpose of distillation.

If you employ the condenser, and make use of the wash to condense the steam arising in the distillation, the work done would be about one-third more. I would also observe, that they cannot use in the wooden stills more than two-thirds of the capacity of the still for wash, as room

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must be left for the increase of water by the condensed steam, and for the wash to boil up without running over, which, having no head, they are liable to do.

The duty being laid on the boiler is certainly wrong. If laid on the still, the steam distillation has no advantage over the others.

The experiments above detailed lay the whole of distillation before you. From them, simple as they seem, you can come at anything wanted in distillation, both evaporation and condensation. I have been particular in them, and know them to be accurate. It has taken me a fortnight to accomplish them. If your allowance had been larger, I would have pursued the principle through all the ramifications of distillation. As it is, you have the pith; and anything may be known in distillation, and also of the steam engine, which is nothing more than a large distillation, and will soon be employed in the distilleries of grain that work constantly. A small engine will serve to grind the grain, and where light steam is used, it will soon be found a great saving of fuel to use the steam when thrown out from the engine in the distillery. In such a case I do not see how you would get at any duty, as there is no boiler employed for generating steam for distillation. They are not up to this thing yet, but it will not be long before some will make the discovery.

I am, dear sir, with much respect, yours,
ALEX. ANDERSON.

SAMUEL H. SMITH, Esq.,
Commissioner of the Revenue.

PHILADELPHIA, Sept. 24, 1816.

DEAR SIR: I received your letter of the 21st yesterday. Being taken up so much with the steam boiler these three weeks past, and my head so filled with it, I forgot the different kinds of stills. I will now endeavor to give you all the information in my power from actual experience.

The shape of the still is of no importance in distillation, further than its form being convenient to apply the fire in the best manner. Suppose a still 72 inches in the bottom and 87 inches deep will hold about 115 gallons, charge 70 gallons, fire and attendance the same. The difference between these two stills will be 15 flat still, 14 common still; that is, the flat still will gain one distillation in 15, fire and attendance being the same. This will scarcely be credited, and I should not make the assertion if I had not actual experience as the ground of it; I know it to be true. Evaporation by fire is as the quantity of fuel applied to the liquor, and not as the surface is extended. This opinion, that a large surface being exposed assists evaporation, has arisen from observing that water exposed in broad shallow vessels to the air and sun evaporates much quicker than when exposed in narrow deep vessels. This is true; but this is altogether different from evaporation by fire. This evaporation is effected by the combined operation of the air and heat in the surrounding atmosphere; the other, solely by the heat obtained from the wood. I once thought

that evaporation might be much increased by taking off the pressure of the atmosphere by the aid of the air pump. I found, from a trial of six months, that I gained nothing by it; the same quantity of fuel was used whether the air was on or off. I of course discontinued it. After trying almost every shape, I am entirely satisfied that the common still is as good for practice as any that have or will be made, and, fuel and attendance being the same, will do as much work. The subjects of evaporation and condensation have not yet come under the observation of philosophers so as to throw much light on it, being a very difficult and troublesome subject, and being but little understood. Some late experiments in Edinburgh have thrown some light on it, and will probably be the means of its being more thoroughly investigated. I allude to alcohol being frozen by the air pump; the spirit being placed in the receiver of the air pump, the air extracted carries off the heat or caloric, and the spirit is frozen in a short time. This is a mere sketch of the process. It opens a large field. In this way grain may be dried; also, gunpowder; and the moisture taken from fresh meat; and ice made, in hot climates, in any quantity. This evaporation is mentioned, to show you what quantities of heat must pass by evaporation. I do not think there is any propriety in making a difference in the tax on account of the shape of the still; the Government will get nothing by it. There may be a difference made on the different kinds of liquor distilled; the stills employed in distilling molasses, cider, and peach should pay more than those which work grain altogether; the wash from those being much stronger than that from grain. I therefore place the flat still on the same footing with the common still, and I think it clearly appears there is no difference that is worth notice. Were the duty on the still in place of the boiler, when steam is used, they would all be equal.

From the experiments sent you, anything relating to distillation may be come at with ease. Suppose a still of 120 gallons (either flat or common) with a doubling still of 60 gallons, the common rate of distillation is three and a half hours to bring it to boil, and four and a half to run off 15 gallons of low wines; discharge the still and fill it again, 90 gallons of wash in this slow distillation is the charge for 120 gallon still, will consume 100 pounds of wood to bring the 90 gallons to boil, and consume 100 pounds more wood to run off 15 gallons of low wines, which contain about 4 per cent. whiskey. This is common work. Press it further, and in place of six hours perform the work in three; this may be done by enlarging the fireplace, and you will consume not much more fuel, and do the work in half the time. This appears to be some advantage, in doing double the work in the same time. Now let us see the advantage of the rapid distillation, to say but little of the risk of burning or throwing the wash up into the worm so as to choke it, which often happens in rapid distillation: in the first place, you must reduce the charge for the still from 90 to 70 gallons wash, to leave room for

State of the Sinking Fund.

the wash to boil up without running over into the worm. This is essential; if not done the fire must be lessened, which will bring it nearly to the slow distillation; also, when rapid, a large quantity of water is thrown over with the low wines, so as to weaken them very much, and require a larger still to double them; the whiskey is neither strong nor well tasted, and more and closer attendance requisite; nothing gained by it. I have also turned in my mind whether it be possible to devise any mode except a tax on the still and head; I am free to confess that I cannot. If you make spirits without any mixture of water (or alcohol, as it is now called,) a standard, and lay a duty of ten cents per gallon, and oblige the distiller to enter his stills, this appears to be a kind of check. What would be the effect when put in practice? It must be left to each distiller to return the quantity on oath; this is no security, as it is well known, and operates as a premium to

a man to swear falsely. You may fence it as you will, still this would be the case; if you compare his return with the size of his still, his answer is ready; "he could not procure grain to keep his works in full operation." This frequently occurs, and would in many instances be correct, and in many not so. In short, I do not know that human ingenuity can devise a better plan for the United States than simply to lay a tax on the capacity of the still, including the head thereof. I do not think the stills employed exclusively in rectifying should be included; the liquor operated on, having paid one duty, should not pay a second.

Anything further that I can give you command freely; it will be at your service.

I am, dear sir, yours,

ALEX. ANDERSON.

SAMUEL H. SMITH, Esq.,

Commissioner of the Revenue.

SINKING FUND.

[Communicated to the Senate, February 7, 1817.]

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the board, subsequent to their report of the 7th of February, 1816, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

JOHN GAILLARD, *President of the Senate, pro tem.*

J. MARSHALL, *Chief Justice of the United States.*

WILLIAM H. CRAWFORD.

RICHARD RUSH, *Attorney General.*

WASHINGTON, February 7, 1817.

The SECRETARY OF THE TREASURY respectfully reports to the Commissioners of the Sinking Fund:

That the disbursements from the Treasury, during the year 1815, on account of the principal and interest of the public debt, which sums, as appear by the statement C, annexed to the last annual report, amounted to \$12,839,929 35

Together with a further sum, arising from interest on Treasury notes, placed in the hands of sundry commissioners of loans for the payment of dividends, which interest accrued thereon previously to their being demanded by the stockholders, as per statement hereunto annexed, marked C c 15,272 34

And amounting together to \$12,855,201 69

Have been accounted for in the following manner, viz:

1. There was repaid into the Treasury, during the year 1815, on account of the principal of moneys heretofore advanced for the payment of the principal of the public debt, as appears by the statement E, annexed to this report, the sum of \$300,000 00
2. The sums actually applied, during the year 1815, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this department, amounted, as appears by the annexed statement A, to the sum of \$12,406,504 56

In the reimbursement of the principal of the public debt \$6,706,129 65

On account of the interest and charges on the same 5,700,374 91

12,406,504 56

There was applied for the payment of a sum, short, provided on account of the public debt due during the year 1814, as per statement B, annexed to the last annual report

58,496 78

State of the Sinking Fund.

From which, however, is to be deducted a sum over-estimated for commissions and charges by the agents in London, for the years 1813 and 1814, their accounts for those years not having been adjusted at the Treasury at the time the last report was submitted - - - - -		\$2,644 31	
			55,852 47
			12,462,357 03
There was loss in exchange on remittances from America to Europe, during the year 1815, as appears by statement D, annexed to this report, of the sum of - - -			54,193 72
3. The balance remaining unexpended at the close of the year 1815, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement B, to - - -			36,650 94
			<u>\$12,855,201 69</u>
That, during the year 1816, the following disbursements were made out of the Treasury on account of the principal and interest of the public debt, viz:			
On account of the interest and reimbursement of the funded domestic debt - - -			\$7,925,037 68
On account of the principal and interest of temporary loans, viz:			
Reimbursement of principal - - - - -		\$1,325,000 00	
Payment of interest - - - - -		74,092 46	
			1,399,092 46
On account of the principal and interest of Treasury notes - - - - -			15,896,524 61
On account of the interest on Louisiana stock, payable in Europe - - - - -			639,502 35
Amounting together, as will appear by the annexed list of warrants, marked C, to the sum of - - - - -			<u>\$25,760,157 10</u>
Which disbursements were made out of the following funds, viz:			
I. From the annual appropriation of eight millions of dollars for the year 1816 - - - - -		\$8,000,000 00	
Deduct so much thereof anticipated in 1815 in the payment on account of the principal and interest of the funded debt and temporary loans in that year - - - - -		325,510 23*	
Applicable for 1816 - - - - -		<u>\$7,674,489 77</u>	
And paid from the funds arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as per statement I - - -		\$1,969,577 64	
From the funds arising from the net proceeds of public lands - - -		1,287,959 28	
From the proceeds of duties on goods, wares, and merchandise imported, and on the tonnage of vessels - - - - -		4,416,952 85	
			\$7,674,489 77
II. From the appropriations provided by the acts of the 30th June, 1813, and 4th March, 1814, for making up any deficiency of the annual appropriation of eight millions - - - - -		\$7,128,931 01	
From the appropriation per act of the 26th December, 1814, entitled "An act supplemental to the act authorizing a loan for the several sums of \$25,000,000 and \$3,000,000," being the amount of Treasury notes, including interest, which were issued under that act - - -		8,767,593 60	
			15,896,524 61
III. From repayments into the Treasury, on account of moneys heretofore advanced for the payment of the principal and interest of Treasury notes, and of interest on Louisiana stock in Europe, as will appear by the annexed statement E o - - - - -			922,132 19
* Amount stated in the last annual report as having been anticipated in 1815, of the appropriation for 1816 - - - - -			
From this sum deduct a repayment in 1815, which was not ascertained when the last report was submitted - - - - -		\$300,000 00	
Also the amount of Treasury notes, including interest paid in 1815, incorrectly charged to the appropriation of \$8,000,000, and for which special appropriations were made per acts of 30th June, 1813, and 4th March, 1814 - - -		3,872,708 95	
			4,172,708 95
As above - - - - -			<u>\$325,510 23</u>

Property taken or destroyed by the Enemy.

IV. From the proceeds of the duties on goods, wares, and merchandise imported, and on the tonnage of vessels, and from the proceeds of the direct tax and internal revenue in advance; on account of the annual appropriation of \$8,000,000 for 1817 - - - \$1,267,010 53

\$25,760,157 10

That the disbursements above mentioned, together with the balance above stated, which remained unexpended at the end of the year 1815 - - - - - 38,650 94

\$25,798,808 04

Will be accounted for in the next annual report, in conformity to the accounts which shall have been then rendered to this department

That, in the meantime, the manner in which the said sum has been applied is estimated as follows, viz :

I. There was paid for loss in exchange on remittances from America to Europe during the year 1816, as exhibited in the annexed statement, marked D d, the sum of - - - \$75,446 94

II. The repayments into the Treasury, on account of the principal of moneys advanced for the payment of interest on the Louisiana stock in Europe, and for the payment of the principal and interest of Treasury notes, have amounted, during the year 1816, as by the abovementioned statement E e, to - - - 922,132 09

III. The sums actually applied during the year 1816 to the principal and interest of the public debt, including Treasury notes, are estimated as follows :

1. Paid on account of principal - - - - - \$17,240,898 70

2. Paid on account of interest - - - - - 7,075,270 70

24,316,169 40

And there is estimated to have been left unapplied at the end of the year 1816, as per estimate G, a sum applicable to payments on account of the public debt, during the year 1817, of - - - - - 485,059 51

\$25,798,808 04

That all the temporary loans which became due in 1816 were paid, including the instalment of \$500,000 due the State Bank, Boston, and which had been payable in 1814.

That, during the year 1816, and on the 2d of January, 1817, funds were provided for the payment of all the Treasury notes which had previously fallen due at New York and at Savannah, and had not been paid, viz :

For all dated prior to 1st January, 1814, and payable in New York, funds were provided on the 1st October, 1816, as seen per annexed copy of a notice marked L.

For all dated prior to 1st July, 1814, and payable in New York, funds were provided on the 1st November, 1816, as seen per same statement L.

For all others payable in New York, funds were provided on the 1st of January, 1817, as seen per annexed copy of a notice, M.

For all those that became due at Savannah on the 1st of September, 1816, funds were provided prior to the 1st of January, 1817, as seen per annexed copy of a notice, marked M.

For those due and reimbursable at Boston, amounting, as appears by the annexed statement O, to \$1,550,300, funds have not yet been obtained sufficient to meet their payments.

A statement, marked H, is annexed, which exhibits the whole amount of stock transferred to the Commissioners of the Sinking Fund, and standing to their credit on the books of the Treasury on the last day of December, 1816.

All which is respectfully submitted.

WILLIAM H. CRAWFORD.

TREASURY DEPARTMENT, February 6, 1817.

PROPERTY TAKEN OR DESTROYED BY THE
ENEMY.

[Communicated to the House, December 23, 1816.]

To the House of Representatives of the United States :

In compliance with the resolution of the House of Representatives of the 6th instant, I transmit to them the proceedings of the Commissioner appointed under the "act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes." as re-

ported by the Commissioner to the Department of War.

JAMES MADISON.

DECEMBER 21, 1816.

DECEMBER 21, 1816.

The Acting Secretary of War has the honor to submit to the President the report made by the Commissioner of Claims relative to his proceedings under the act "authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes."

GEO. GRAHAM.

Property taken or destroyed by the Enemy.

OFFICE OF CLAIMS, &c.,
Washington, Dec. 17, 1816.

The Commissioner appointed pursuant to the law entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," in obedience to a letter from the Acting Secretary of War, enclosing a resolution of the House of Representatives passed on the 6th instant, in the following words: "*Resolved*, That the President of the United States be, and he is hereby, requested to lay before this House the proceedings of the Commissioner appointed under the act passed at the last session, entitled 'An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes,' respectfully reports :

That, as soon as he received from the President a notification of his appointment, he proceeded to the execution of the initiative duties required from him, by preparing such rules and regulations relative to the mode of presenting claims and taking and authenticating evidence as appeared to him to be necessary ; which rules and regulations, having been approved by the President, were published in the form of notices, as enjoined by the said act, on the 3d and 24th of June last.

In forming these rules and regulations, the Commissioner endeavored to enter into the views of the Legislature, by giving such an interpretation to the provisions of the said act as might secure substantial justice to the sufferers intended to be relieved, and at the same time, guard against fraud and imposition. On this part of the subject he begs leave to refer to a copy of the said notices, in paper marked A.

The multifarious losses which it appears to have been the intention of the Legislature to provide for, required no little attention to separate and define. The first section of the act being confined to "volunteers or draughted militiamen, whether of cavalry, mounted riflemen, or infantry," and limited to the payment for horses only, admitted of an easy interpretation ; as did also the second section, confined to "cavalry, mounted militia, or volunteers," which the Commissioner construed also solely to apply to persons belonging to corps not in the regular service, though the word "cavalry," used in contradistinction to "mounted militia or volunteers," may, at first view, seem to indicate a different meaning, and to be intended to extend also to cavalry in the regular service. This section, too, relates solely to the loss of horses.

The third section taking a larger scope, and involving a variety of cases, he found it more difficult to satisfy himself as to its true import. The words of this section are, "that any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction by an enemy of any horse, mule, or ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States,

either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence on the part of the owner, and any person who, during the time aforesaid, has sustained damage by the death of any such horse, mule, or ox, in consequence of failure on the part of the United States to furnish the same with sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof."

The Commissioner was at first disposed to consider the first clause of this section as providing only for such injuries as proceeded from the acts of the enemy. But inasmuch as damage by an enemy must almost universally happen in two ways, either "by capture or destruction," and as there were many other losses sustained by our citizens, "without any fault or negligence on the owners," such, for instance, as wagons and teams lost by being forced to attempt to pass streams not fordable, contrary to the opinion of the owners, by the compulsive orders of military commanders, on further reflection, he was inclined to give this clause a more extended meaning, and to consider the word "loss" as intended to be contradistinguished from the words "capture or destruction by an enemy," and to denote such injuries as might have happened in a manner other than "by the capture and destruction of an enemy," but "without any fault or negligence on the part of the owner." But the opinion of the Executive Government being in favor of adhering to the first interpretation, the Commissioner has felt it his duty to conform his adjudication thereto.

The two first sections of the act being strictly conformed to military corps other than regulars, the change of expression in the third section, in which the broad words "any person" are used, seemed to denote that its provisions were intended to apply to every description of citizens, whether they belonged to the regular army, or to the militia, or volunteers ; and inasmuch as the militia and volunteers, while in actual service, received the pay and emoluments of regulars, the Commissioner ultimately inclined to the opinion that losses happening under similar circumstances to persons engaged in either service were intended to be provided for. The word "contract" appeared to him to be of extensive import ; and in every case as well in the regular as in the militia or volunteer service, in which the rank of the officer required that he should furnish himself with a horse ; that, by accepting of his appointment, he entered "into a contract" with the Government to do so ; and having done so, provided such horse died in consequence of a failure on the part of Government to furnish sufficient forage, or was taken by the enemy, that a regular officer ought to be paid for his horse in the same manner as if he had belonged to the militia or volunteer corps. But on this point the Executive Government having considered the regular officer as excluded from this benefit, the

Property taken or destroyed by the Enemy.

Commissioner has felt it also his duty to adopt his adjudications to that opinion.

The fourth section admitted of an easy interpretation, applying solely to the loss of "arms and military accoutrements" of volunteers or draughted militiamen who had furnished themselves with the same.

The fifth section is in these words: "That, where any property has been impressed or taken by public authority, for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid for the use and risk of the same while in the service aforesaid."

This section has been construed to apply to all property, real, personal, or mixed, which has been impressed or taken by public authority, without the consent of the owner. (See papers marked A and B.)

The ninth section of the law providing for losses of greater magnitude, and necessarily involving the payment of large sums of money, the Commissioner endeavored to avail himself of every assistance which appeared to be within his reach, to enable him to give it a fair, a reasonable, and a just interpretation. With this view, erroneously supposing that he had a right to do so, he addressed to the Attorney General, the great law officer of the Government, the letter marked C; in reply to which he received the answer marked D.

Having been disappointed in obtaining this important aid, the Commissioner, regarding the office which he filled as a kind of appendage to the Department of War, addressed to the Secretary thereof the letter marked E, enclosing copies of his correspondence with the Attorney General.

From this officer the Commissioner indulged the hope that he should receive such an exposition as would enable him to fulfil the views of the Legislature, by affording a just redress to the sufferers intended to be relieved. Nor was this expectation disappointed, when the Secretary, after due consideration, and no doubt consulting the best opinions, addressed to him on the 7th of September a note in the following words:

DEPARTMENT OF WAR,

September 7, 1816.

SIR: The President has been pleased to direct that the occupation of houses and buildings by the military force of the United States is embraced by the ninth section of the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that compensation shall be allowed for damage sustained in consequence of such occupancy, in the same manner as if such houses and buildings had been occupied as a military deposite, under the authority of an officer or agent of the United States. I have, &c.

WM. H. CRAWFORD.

RICHARD BLAND LEE, Esq.

The Commissioner considered this letter as sanctioning his own interpretation of the ninth section of the said law; and it was not until after he received this note, that he felt himself authorized to give to it a practical construction by a formal adjudication.

On the 21st of October the Commissioner received from the Department of War, as the organ of the Executive Government, a more general interpretation of the law, in the following words:

WAR DEPARTMENT, *October 21, 1816.*

Pursuant to the eleventh section of the act making provision for property lost, captured or destroyed by the enemy while in the military service of the United States, and for other purposes, the President has been pleased to direct—

That the first and second sections of the said act do not embrace the case of officers of the regular army, and that the property which a regular officer may have taken with him in the service, or which he may have been required by law to keep, is not comprehended by the terms "impressed or by contract," used in the third section.

That the provisions of the third section extend only to losses resulting from the acts of the enemy, or from the failure of the Government to supply the necessary forage.

That the ninth section of the act extends only to cases of destruction of property by the enemy, which are justifiable by the laws of civilized warfare. The occupation of houses or buildings as places of military deposite, or by an armed force, must be continued up to the time of the destruction. That the occupation of houses or buildings by an armed force for a night upon a march, is not within the meaning of the said section, unless in the immediate presence of an enemy. That no compensation by way of interest, rent, or damage, can be allowed, under the act, for the time which elapses between the destruction of the property and the decision of the Commissioner.

That the act does not extend to the case of consequential injury resulting from the destruction of houses or buildings under the ninth section.

No compensation can, therefore, be allowed for the destruction of houses or buildings not occupied as a military deposite or by a military force.

That, in all cases of doubt, or of great importance, the Commissioner shall submit the evidence to the Executive before any decision is made.

WILLIAM H. CRAWFORD.

RICHARD BLAND LEE, Esq.,

Commissioner, &c.

The Commissioner will close this subject, by referring to his correspondence with the Department of War, marked F.

The number of adjudications made and entered by him since the 1st of July, under special acts, and under the general law of the 9th of April last, amount to eight hundred and fifty; the total sum awarded, to \$228,693 15.

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The proofs, in every case decided by the Commissioner, are put into a trunk, the key of which will be delivered to the Acting Secretary of War; which papers are so sent in conformity to the direction of the President, and pursuant to a letter from the Acting Secretary of War, bearing date on the 16th instant; a copy of which letter is referred to in paper marked G.

In the office a record of all the adjudications was made, and the evidence in each particular claim was filed with it. The office was at all times open, and free liberty allowed to every citizen to examine either the adjudications or the evidence.

All which is most respectfully submitted.

RICHARD BLAND LEE,
Commissioner, &c.

P. S. The Commissioner thinks proper to send a copy of his letter to the Secretary of the Navy, in the case of William O'Neale and Robert Taylor, dated on the 2d of October last, marked H.

He also begs leave to refer to certain acts passed at the last session of Congress; many, if not all, of which he considered as contemporaneous expositions of the law which created this office:

An act for the relief of William Flood.

An act for the relief of the supervisors of the county of Clinton, in the State of New York.

An act for the relief of Joseph Wilson.

An act for the relief of Asher Palmer.

An act authorizing the payment for the courthouse of Hamilton, in the State of Ohio.

An act for the relief of the president and directors of the Washington Bridge Company.

An act for the relief of Charles Todd.

An act for the relief of Paul D. Butler.

An act for the relief of Charles Ross and Samuel Breck, surviving executors of John Ross, deceased.

A.

OFFICE OF CLAIMS, &c.,
Washington, June 3, 1816.

Notice is hereby given, pursuant to the act of the United States passed the 9th of April last, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," that all claims provided for by the said act must be presented at this office on or before the 9th day of April, in the year 1818, as, if not presented within that period, they cannot be received, examined, and decided on at this office.

First class of cases.

The claims provided for by the said act are, first: "Any volunteer or draughted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the late war between the United States and Great Britain, has sustained damage by the loss of any horse which was killed in any battle, or which has died in consequence of a wound therein received, or in consequence of failure on the part of the United States to fur-

nish such horse with sufficient forage while in the service of the United States, shall be allowed and paid the value of such horse." This provision comprehends three descriptions of cases:

1. A horse killed in battle.

2. A horse dying in consequence of a wound received in battle.

3. A horse dying in consequence of not being furnished with sufficient forage by the United States.

To substantiate a claim of either description:

1. The order of the Government authorizing the employment of the corps to which the original claimant belonged, or the subsequent acceptance of such corps, or approbation of its employment, must be produced.

2. The certificate of the officer, or surviving officer, commanding the claimant at the time of the accident on which the claim is founded, which certificate, if not given while the officer was in the service of the United States, must be sworn to; and in every case it must, if practicable, state the then value of the horse so killed or dying. Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified; and that the evidence which he shall produce in lieu thereof is the best which he is able to obtain. In every case the evidence must be on oath, and the value of the horse so killed or dying ascertained. All evidence offered must be taken and authenticated in the manner hereinafter directed; and in all these cases the claimant must declare on oath that he has not received another horse from any officer or agent of the Government in lieu of the one lost.

Second class of cases.

"Any person, whether of cavalry or mounted riflemen, or volunteers, who, in the late war aforesaid, has sustained damage by the loss of a horse, in consequence of the owner thereof being dismounted, or separated and detached from the same, by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time he was received into the public service."

This class comprehends two descriptions of cases:

1. When the owner has been dismounted, or separated from and detached from such horse, by order of the commanding officer.

2. When the rider has been killed or wounded in battle, and the horse lost in consequence thereof.

The same evidence, in all respects, which is required in the first class of cases, will be required in this.

Third class of cases.

"Any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction by an enemy of any horse, mule, or ox, wagon, cart, boat, sleigh, or harness, while such property was employed in the military service of the United States, either by impressment or by contract, except in cases where the risk to which

Property taken or destroyed by the Enemy.

the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence of the owner, and any person during the time aforesaid, who has sustained damage by the death of such horse, mule, or ox, in consequence of failure on the part of the United States to furnish sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof." This class comprehends two cases:

1. The loss or destruction of property by an enemy, taken by impressment, or engaged by contract, in the military service of the United States, being either a horse, a mule, an ox, wagon, cart, boat, sleigh, or harness, excepting articles for which the owners had agreed to run all risks, or which were lost or destroyed by the fault or negligence of the owners.

2. When a horse, mule, or ox, so taken or employed, has died from the failure of the United States to furnish sufficient forage.

In the first of these cases, the claimant must produce the certificate of the officer or agent of the United States who impressed or contracted for the property above mentioned, and of the officer or surviving officer under whose immediate command it was taken or destroyed by an enemy. Such certificates, if such officers or agents at the time of giving them, be not in the military service of the United States, must be sworn to, and must positively state that the property was not lost or destroyed through the fault or negligence of the owner, and that the owner did not agree to run all risks. Furthermore, the usual rate of hire of the articles so impressed or contracted for in the country in which they were employed must be stated.

In the second case, the certificate of the officer or agent of the United States, under whose command such horse, mule, or ox, was employed at the time of his death, must be produced.

Before any other evidence will be received, the claimant must make oath that it is not in his power to produce that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain. In every case the evidence must state distinctly the time, place, and manner of the loss, and the value thereof.

Fourth class of cases.

"Any person who, during the late war, has acted in the military service of the United States as a volunteer or draughted militiaman, and who has furnished himself with arms or accoutrements, and has sustained loss by the capture or destruction of them, without any fault or negligence on his part, shall be allowed and paid the value thereof."

This class comprehends two cases:

1. The loss of such arms or accoutrements by the enemy.

2. The loss of the same articles in any other way, without the fault or negligence of the owner.

The provision does not include the clothing of soldiers, or the clothing and arms of officers who, in all services, furnish at their own risk their own. The same evidence, in all respects, is required in this and in the first class, and, moreover, that the loss did not happen from the fault or negligence of the owner.

Fifth class of cases.

"When any property has been impressed or taken by public authority for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk of the same while in the service aforesaid."

This provision relates to every species of property taken or impressed for the use and subsistence of the Army, not comprehended in any of the preceding classes, and which shall have been in any manner destroyed, lost, or consumed by the army, including in its scope all kinds of provisions, forage, fuel, articles for clothing, blankets, arms, and ammunition; in fact, everything for the use and equipment of an army.

In all these cases, the certificates of the officers or agents of the United States taking or impressing any of the aforesaid articles, authenticated by the officer commanding the corps for whose use they were taken or impressed, and, furthermore, of the officers and agents under whose command the same were destroyed, lost, or consumed, specifying the value of the articles so taken or impressed, and destroyed, lost, or consumed, and, if any payment has been made for the use of the same, and the amount of such payment, [must be furnished;] and if no payment has been made, the certificate must state that none has been made.

Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain.

Under this provision, no claim can be admitted for any article which has not been taken by the orders of the commandant of the corps for whose use it may be stated to have been taken. For any taking not so authorized, the party's redress is against the person committing it.

Sixth (and last) class of cases.

"Where any person, during the late war, has sustained damage by the destruction of his house or building by the enemy, while the same was occupied as a military deposite under the authority of an officer or agent of the United States, he shall be allowed or paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

In this case the certificate of the officer or agent of the United States under whose authority any such house or building was occupied must be furnished. Before any other evidence as to this

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fact will be received, the claimant must make oath that it is not in his power to procure such certificate, and that the evidence which he shall offer in lieu thereof is the best which he is able to obtain.

Furthermore, in all the cases submitted to this office, every claim must be accompanied by a statement, on oath, by every claimant, of all sums which he may have received on account of such claim from any officer, agent, or department of the Government of the United States; and where he has received nothing, that fact also must be stated, on oath, by him.

It will be particularly noted by claimants that the preceding rules of evidence generally, and more especially, apply to claims which shall not exceed in amount two hundred dollars, and that, in all cases in which the claims in amount shall exceed two hundred dollars, a special commissioner will be employed to take testimony; but in these cases, as far as it shall be practicable, the same rules of evidence will be observed.

In all cases in which the officers or agents of the United States shall have taken or impressed property for the military service of the United States, which property, so taken or impressed, shall have been paid for by them out of their private funds, or the value thereof recovered from them in due course of law, such officers or agents are entitled to the same remuneration to which the original owners of the property would be entitled if such payment or recovery had not been made, and can settle their claims at this office, producing authentic vouchers for such payment or recovery. Nor will any original claimants be paid through this office till they release all claims against such officers or agents of the United States on account of such taking or impressment.

In every case, no claim will be paid but to persons originally entitled to receive the same; or in case of his death, to the legal representative, or, in either event, attorney duly appointed. When attorneys shall be employed, it is recommended to the parties interested to have their powers executed in due form.

All evidence offered must be sworn to, except the certificates of officers who, at the time of giving them, shall be in the military service of the United States, before some judge of the United States, or of the States or Territories of the United States, or mayor or chief magistrate of any city, town, or borough, within the same, or a justice of the peace of any State or Territory of the United States duly authorized to administer oaths; of which authority proof must be furnished either by a certificate under the seal of any State or Territory, or the clerk or prothonotary of any court within the same. But the seal of any city, town, or borough, or the attestation of any judge of the United States, will require no further authentication.

An office is opened on Capitol Hill, in the City of Washington, in the building occupied by Congress during its last session, for the reception of the foregoing claims.

The printers in the United States, or Territo-

ries thereof, who are employed to print the laws of the United States, are requested to publish this notice for eight weeks successively, once a week, and send their bills to this office for payment.

All persons who have business with this office are requested to address their letters to the subscriber, as Commissioner, which will be transmitted free of postage.

RICHARD BLAND LEE,
Commissioner of Claims, &c.

Explanatory Supplemental Rule.

OFFICE OF CLAIMS, &c.,
Washington, June 24, 1816.

In all the cases comprised in the notice from this office of the 3d instant, the following supplemental regulation must be observed by every claimant, viz:

Whenever the evidence, on oath, of any officer of the late army of the United States shall be taken, or the certificate of any officer in service at the time of giving it shall be obtained, such evidence or such certificate must expressly state whether any certificate or other voucher, in relation to the claim in question, has been given within the knowledge of such officer. The claimant must also declare, on oath, that he has never received from any person any such certificate or voucher, or, if received, must state the cause of its non-production. In every case the name of the officer furnishing such certificate or voucher, together with its date, as near as can be ascertained, will also be required.

RICHARD BLAND LEE,
Commissioner of Claims, &c.

B.

Copy of a letter from the Hon. William H. Crawford, Secretary of War, to the Commissioner.

WAR DEPARTMENT, Oct. 21, 1816.

Pursuant to the eleventh section of the act "making provision for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," the President has been pleased to direct—

That the first and second sections of the said act do not embrace the cases of officers of the regular army; and that the property which a regular officer may have taken with him in the service, or which he may have been required by law to keep, is not comprehended by the terms "impressed or by contract" used in the third section.

That the provisions of the third section extend only to losses resulting from the acts of the enemy, or from the failure of the Government to supply the necessary forage.

That the ninth section of the act extends only to cases of destruction of property by the enemy which are justifiable by the laws of civilized warfare. The occupation of houses or buildings as places of military deposit, or by an armed force, must be continued up to the time of the destruction.

Property taken or destroyed by the Enemy.

That the occupation of houses or buildings by an armed force for a night upon a march is not within the meaning of the said section, unless in the immediate presence of an enemy.

That no compensation, by way of interest, rent, or damage, can be allowed under the act for the time which elapses between the destruction of the property and the decision of the Commissioner.

That the act does not extend to the case of consequential injury resulting from the destruction of houses or buildings under the ninth section. No compensation can, therefore, be allowed for the destruction of houses or buildings not occupied as a military deposite, or by a military force.

That, in all cases of doubt or of great importance, the Commissioner shall submit the evidence to the Executive before any decision is made.

WILLIAM H. CRAWFORD.

RICHARD BLAND LEE, Esq.

C.

OFFICE OF CLAIMS, &c.,
Washington, July 1, 1816.

SIR: Several claims have been submitted to me as provided for by the ninth section of the law of the United States entitled "An act to authorize the payment for property lost, captured, or destroyed while in the military service of the United States, and for other purposes." The words of the law are: "Where any person, during the late war, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposite under the authority of an officer or agent of the United States, he shall be allowed and paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

I find a difficulty in determining what shall be deemed "a military deposite" in the meaning of the law.

1. Must the term be limited to the storing of munitions of war?

2. Can it be extended to a military occupation, however transient, as quarters for soldiers for a month, a week, a day, or a less time?

3. In a day of battle, if soldiers retire to a house to use it as a fortress from which to annoy the enemy, without the order of an officer, will such occupation be within the meaning of the law?

4. In a day of battle, if soldiers occupy a house for such purposes by order of an officer, however inferior may be his grade, will such occupation be within the meaning of the law?

Your official answers to the foregoing questions will very much oblige your obedient servant,

RICHARD BLAND LEE.

The Hon. RICHARD RUSH.

D.

WASHINGTON, July 3, 1816.

SIR: I have had the honor to receive your letter dated the 1st of this month.

The thirty-fifth section of the act of Congress of the 24th of September, 1789, is the only law marking down the public duties to be performed by the Attorney General, and I have never felt myself at liberty to assume the responsibility of official opinions not enjoined by the terms or scope of that law.

I beg you, sir, to be assured that nothing but an unwillingness to depart from this rule (which has also, I believe, governed those who have heretofore been Attorney General) leads me to decline giving answers to the questions which your letter has propounded for my consideration.

With great respect, &c.

RICHARD RUSH.

R. B. LEE, Esq.

E.

OFFICE OF CLAIMS, &c.,
Washington, July 5, 1816.

SIR: I enclose to you a copy of my letter of the 1st instant to the honorable Attorney General, and a copy of his reply of the 3d. Inasmuch as he declines answering the questions propounded to him, I must request from you such opinions and instructions on the subject as you may deem pertinent. I have the honor to be, &c.

RICHARD BLAND LEE.

The Hon. SECRETARY OF WAR.

F.

OFFICE OF CLAIMS, &c.,
Washington, October 28, 1816.

SIR: As I find, from conversation with Mr. Graham, Chief Clerk of the War Department, that a doubt is entertained by him whether the claims of the inhabitants of Buffalo, whose houses were destroyed by the enemy on the 30th of December, 1813, and on the 1st of January, 1814, come within the provisions of the ninth section of the law of the 9th of April last, under which I act, I deem it proper to submit to the consideration of the President the testimony in the case of Gilman Fulsom before I definitively decide. This case does not rest on such strong evidence as the few in which I have made awards. From my conversation with Mr. Graham, the principal objection to the Buffalo claims is derived, as I understand, from the official declaration of the enemy to our Government that the village of Buffalo was burnt by way of retaliation. I will observe, that I have not been furnished with this information in an official form, or received any intimation from the Executive Government how far it must be regarded in opposition to the testimony of our own citizens, taken in pursuance of the directions of the aforesaid law of the 9th of April last.

It is certain that this office has not the power of going out of the limits of the United States to take testimony; and the most natural place to obtain the best testimony which the nature of the case may admit of appeared to be where the de-

Property taken or destroyed by the Enemy.

struction was made. In selecting persons to take this testimony, I have sought out such as stood high in the confidence of the government of New York, and who held respectable judicial stations. I have endeavored, in every instance, both in the regulations concerning the mode of taking and authenticating the testimony, and examining that testimony when furnished, to fulfil the injunction of the law, by "paying a due respect as well to the claims of individual justice as to the interest of the United States," which, in my opinion, will be more certainly promoted and permanently established by acts of justice and restitution to its citizens who have innocently suffered in a war waged for the common benefit, than consigning them to undeserved misery and want, in imitation of Governments which are created and supported by military force, and do not rest, like ours, on the basis of justice and equality of rights.

I am very sensible that, in the adjudications which I am bound to make, it will be extremely difficult always to hit precisely the middle course of rendering a reasonable justice to the claimant without in any degree trenching upon the interest of the nation. But here humanity, considering the relative situation of the parties, will excuse (if they should be discovered) a bearing to the side of poverty and wretchedness. Enclosed I send also a newspaper, which exhibits the course which the British Government has pursued relative to the losses sustained by their Canadian subjects during the late war, as well from the acts of their enemy as their own army.

I shall be happy to receive from the President his instructions relative to the case herewith sent, which I shall consider it my duty to obey. Till then, I shall suspend all adjudications under the ninth section of the law. I am confidently impressed that the awards, in all the cases which I have hitherto decided, relative to buildings destroyed by the enemy during the late war, will be found in conformity to the interpretation and instructions which I have received from him, unless the Buffalo cases shall be excluded by the official declaration of the enemy.

I have the honor to be, &c.

RICHARD BLAND LEE.

The Hon. SECRETARY OF WAR.

OFFICE OF CLAIMS, &c.,
Washington, November 1, 1816.

SIR: I have received your note of to-day, and beg you to inform the President that I feel it my duty to conform strictly to any interpretation which he may be pleased to give to the law of the 9th of April last, to authorize "the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that no decision shall be made on any case depending on the ninth section of the said law till I receive his further instructions. I have the honor to be, &c.

RICHARD BLAND LEE.

GEO. GRAHAM, Acting Sec'y of War.

Copy of a letter from the Hon. George Graham to the Commissioner.

WAR DEPARTMENT, Nov. 1, 1816.

SIR: Your communications dated the 25th and 28th of last month have been submitted to the President, who has instructed me to say that the third section of the act "to authorize the payment for property lost, captured, or destroyed," &c., will not justify the payment of claims for partial injuries to oxen or horses.

I am also instructed by the President to request that you will suspend all decisions under the ninth section of the above-mentioned act until further advised. I have the honor to be, &c.

GEORGE GRAHAM.

RICHARD BLAND LEE, Esq.,
Commissioner, &c.

Copy of a letter from the Hon. William H. Crawford to the Commissioner.

DEPARTMENT OF WAR, Sept. 7, 1816.

SIR: The President has been pleased to direct that the occupation of houses and buildings by the military force of the United States is embraced by the ninth section of the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that compensation shall be allowed for damage sustained in consequence of such occupancy, in the same manner as if such houses and buildings had been occupied as a military deposite, under the authority of an officer or agent of the United States. I have the honor to be, &c.

WILLIAM H. CRAWFORD.

RICHARD BLAND LEE, Esq.,
Commissioner, &c.

G.

Copy of a letter from the Hon. George Graham, Secretary of War, to the Commissioner.

DEPARTMENT OF WAR, Dec. 16, 1816.

SIR: I am directed by the President to inform you that, under existing circumstances, it is thought proper that no final decision be made on any case now depending, or that may be exhibited under the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," passed the 9th of April, 1816. You will, however, proceed to prepare and arrange all such cases for decision when it shall be deemed proper.

I have to request, also, that you immediately prepare and furnish the report called for by the resolution of the House of Representatives, with which you have been furnished; and, in order to avoid the delay of making copies, the original proceedings may be furnished.

I have the honor to be, &c.

GEORGE GRAHAM.

RICHARD BLAND LEE, Esq.,
Commissioner of Claims, &c.

*Annuities to Widow and Children of A. H. Dohrman.***ANNUITIES TO WIDOW AND CHILDREN OF A. H. DOHRMAN.**

[Communicated to the Senate, January 27, 1817.]

The Committee of Claims, to whom was referred the petition of Rachael Dohrman, report:

That, in the documents accompanying the petition, the committee find very satisfactory evidence that the late husband of the petitioner, Arnold Henry Dohrman, rendered important services to the United States during the Revolution, by acts of exalted beneficence and liberality towards American seamen thrown captive on the shores of Portugal by a vindictive enemy, where the said Dohrman then resided. The sense of obligation which prevailed in this country for those meritorious services, in the year 1770, may be estimated from original letters from President Adams, President Jefferson, and Governor Henry, of Virginia. By a resolve of Congress, on the 21st of June, 1780, said Dohrman was appointed agent for the United States at the Court of Lisbon. In a report preceding the resolve, the committee state they "are assured said Dohrman wishes for no salary or emolument for his services, but simply a repayment of his advances, when it shall be most convenient." Original letters are also exhibited from General Washington and Archibald Casey, Speaker of the Virginia Senate, written in 1785, and bearing the strongest testimony to the merits of said Dohrman.

About this period Arnold Henry Dohrman appears to have petitioned Congress for a settlement of his accounts, and for an allowance of a reasonable compensation for his services as agent, which the derangement of his private affairs, arising out of his connexion with and attention to the business of the United States, had made necessary.

On the 1st of October, 1787, Congress resolved to reimburse said Dohrman upwards of \$5,000, with interest from the time of expenditure, such sum having been admitted to be due on settlement at the Treasury; and for a further claim of upwards of \$20,000, for which documents were offered of too general a nature to admit of settlement by the rules of the Treasury, it was further resolved unanimously "that said Dohrman, for his faithful and generous services as agent of the United States at the Court of Lisbon, should be allowed \$1,600 per annum, to be computed from the time his expenditures commenced;" and that he should select a township, at his option, out of the three last ranges surveyed in the Western Territory, free from all charges of survey, after the Secretary of War had drawn the proportionate quantity assigned to the late army; and that the payments and grant of land so made should be in full for all claims of said Dohrman against the United States. Mr. Dohrman appears to have been extremely unfortunate, without fault, in the selection of his township, as is fully set forth in letters from David Hogg and James Ross.

Mr. Dohrman died at Steubenville in 1813, leaving a widow, the petitioner, and eleven minor

children, in extreme penury, who now prefer their petition for relief. Instances exist, in the opinion of the committee, where benefits have been extended by Congress of not stronger equity or materially dissimilar principles. The committee conceive the very liberal adjustment of this claim by the Congress in 1787 is the highest proof of Mr. Dohrman's distinguished merits. As he has failed to realize the benefit intended for him by the grant of his township, through real misfortune, the committee apprehend the principles of equity admit of an equivalent being extended to his helpless family, especially as it is believed the United States have received the value of the land he might have selected, but which not to have done was his misfortune. The committee therefore respectfully submit the following resolution, to wit:

Resolved, That a committee be appointed to draught and report a bill allowing \$— annually to Rachael Dohrman, widow of Arnold Henry Dohrman, during such time as she may remain a widow, payable quarterly; and \$— annually to each of the minor children of said Dohrman until they shall respectively arrive at the age of twenty-one years; which benefits shall be received and applied under the superintendence of the Orphans' Court of the proper county.

To the honorable the Senate and House of Representatives of the United States in Congress:

The petition of Rachael Dohrman, widow of Arnold Robert Dohrman, Esq., deceased, humbly sheweth: That the said Arnold Henry Dohrmahn died at Steubenville, in the State of Ohio, early in the year 1813, leaving your petitioner and eleven minor children without any means whatever for their subsistence and protection; that, for almost four years, your petitioner has struggled with the hard vicissitudes which attend the maintenance and education of a large family of infant and helpless children, without any resource other than that which her hands afforded her, and the charitable aid which she has received from her kind and beneficent neighbors. From the first of these, age and sickness admonish her to expect but little in future; to the second, she feels that she has already been too often a suppliant, and too long a debtor; that the overwhelming reflection which her future prospect presents, of seeing her children, the offspring of Arnold Henry Dohrman, not only deprived of the substantial comforts and necessities of life, but stepping upon the stage of active life and business, destitute of all the intellectual acquirements which their father enjoyed, has induced your petitioner to overcome her prejudices of education and finer sensibilities on the subject, and present herself and her children, with their wants and distresses, before the guardian powers of that country for whose interest and independence, in the hour of peril, Mr. Dohrman exposed his life and sacrificed his fortune.

It is due to your honorable legislative bodies

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that your petitioner suggest the reasons wherefore she ventures to supplicate the consideration of Congress to her distresses; she, therefore, very respectfully appeals to the journals of the American Legislature for the years A. D 1785, '6, and '7, from which it will appear that, during the struggle of the United States for liberty and independence, Mr. Dohrman's "own house in Portugal was frequently the asylum of whole crews of captive American seamen, who were fed, clothed, and relieved in sickness through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property;" that, while an entire stranger to every citizen of these then colonies, he ventured to be their only friend in a Kingdom in alliance with, and under the influence of their powerful enemy; that he was afterwards selected as the agent and consul of these then United Colonies to the Kingdom of Portugal, and discharged that trust in such a manner as to have received, not only from the Congress the approbation of the nation, but also the voluntary testimonials of respect and thanks from the governments of the several States. Your petitioner also appeals to the memorials of many living worthies of those bright days of American glory, and flatters herself she may be excused for dwelling with a grateful and pleasing thought on the testimony of Mr. Dohrman's services, voluntarily recorded of him by the illustrious founders of American independence, General Washington, Hon. Patrick Henry, President Adams, President Jefferson, and many others; some of whom, though she forbears to mention their names, she knows were the warm and active friends of Mr. Dohrman, and on whom she now rests a fond hope, knowing that they yet live ornaments of their country, and intrusted with its welfare and its honor.

Your petitioner is not unadvised that Mr. Dohrman received a compensation for his services as agent of the United States at Portugal, and also a donation in lands, as a remuneration for his sacrifices and services in favor of American seamen; nor does she complain of the want of munificence or gratitude on the part of the United States towards Mr. Dohrman, but, on the contrary, she bears witness of the liberal spirit with which Mr. Dohrman was treated, not only by the worthy personages before named and alluded to, but also by the national councils of this his adopted country; but she feels that she may be permitted to remind the guardians of this great and happy people, that the services of "one who," in the language of Governor Henry, of Virginia, "unallied to them by any ties of kindred or country, opened his purse to their distressed captive countrymen, and took them to his bosom as his brethren," are not to be estimated by any weight or measure; and that the reward which the Congress of the United States intended in their donation of lands for Mr. Dohrman, was not (on account of an unfortunate selection of a township) realized to Mr. Dohrman to one-half of its supposed extent. Mr. Dohrman was entirely ignorant of land himself, and confiding in erroneous

information of others, or misled by false misrepresentations of its quality and situation, instead of a township of even an average worth or quality, he chose one worth less than any other out of which he was entitled to make his selection. And though in this he could have no cause of complaint against the United States, yet, inasmuch as Congress designed for him a greater remuneration than he realized, and the United States Treasury has profited by his unfavorable selection, your petitioner humbly conceives she may well be excused if she has formed too sanguine hopes of a further consideration of the subject by the National Legislature; and even then she trusts that, if noble deeds of patriotism, valor, virtue, or humanity, will anywhere on earth rescue the offspring of the actor from penury and distress, the children of Mr. Dohrman have yet a pledge of promise in the hearts of the American people.

Your petitioner prays to be indulged in the further humble representation that a continued series of misfortunes and disappointments had pursued Mr. Dohrman from the first moment his own house became the asylum of distressed American captives in Portugal until his death, in 1813, in Steubenville, Ohio. Educated in European manners, and indulged in early life in the lap of fortune, he was but too little prepared to meet and buffet the stubborn realities and busy toils of an American merchant or agriculturist. He was, therefore, disappointed in his expectations; embarrassed in his circumstances; his soul was too great to murmur; education had taught him not to supplicate; the little value and dead capital of his land rendered his estate insolvent, and he died the child and victim of despair and sorrow, consoled in his last moments by the animating and pleasing reflection, that though his wife and children were about to become the objects of an eleemosynary subsistence, he left them free in the land he had sought for his home and his sepulchre, and for whose political happiness, though he had sacrificed his own, and depauperated his children, yet they were left to be cherished by those whom he, in his turn, had "fed, clothed, and relieved from sickness." Your petitioner forbears further to relate, but throws herself and children upon the bounty and liberal protection of an enlightened people, and will ever pray.

RACHAEL DOHRMAN.

STEUBENVILLE, OHIO, Jan. 6, 1817.

BY THE U. S. IN CONGRESS ASSEMBLED,
June 21, 1780.

The Committee of Foreign Affairs, to whom was referred a letter of 23d May from Mr. P. Henry, late Governor of Virginia, report:

That, from the said letter and other papers laid before them, as well as from the information of Mr. G. Anderson, they find that Mr. Arnold Henry Dohrman, merchant of Lisbon, hath, from the commencement of the present war, manifested a warm and steady attachment to the cause and

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interests of the United States; that he hath expended large sums of money in carrying into practice schemes projected by him for assisting them with clothing and warlike stores, as well in supplying great numbers of American prisoners carried into the ports of the Kingdom of Portugal with money and all other necessities for their comfortable subsistence while there, and for their return to their own country by such routes as they preferred; that, from the great wealth and influence, and the favorable disposition of the said Arnold Henry Dohrman, many benefits might be derived to these States by enabling him to be more publicly and extensively useful under the sanction of authority from Congress; that the committee are assured the said Mr. Dohrman wishes for no salary or emolument for his services, but simply a repayment of his advances when it shall be most convenient: whereupon,

Resolved, That Arnold Henry Dohrman, of the city of Lisbon, merchant, be appointed agent for the United States in the Kingdom of Portugal, for the transaction of such affairs of the said States as may be committed to his discretion.

CHAS. THOMSON, *Sec'y.*

To the Honorable the United States of America, in Congress assembled.

The memorial and petition of Arnold Henry Dohrman, of Lisbon, in the Kingdom of Portugal, agent for the said United States, respectfully show:

That your memorialist (by birth a subject of the Netherlands) was, at the commencement of the late war between the United States and Great Britain, a resident at Lisbon, in the Kingdom of Portugal, possessed of handsome property, and in full credit as a merchant.

That, having imbibed from early life a strong attachment to the principles of liberty, he saw with anxious and affectionate concern the first efforts of this country to defend and secure the rights of human nature; and carried along by a desire to espouse its cause, unsolicited, and without hope or expectation of reward, at a period, too, when European prejudices and opinions wished and predicted the ruin of that cause, he resolved to devote himself to it by the best services his situation would permit.

That the object which presented itself to him as the one in which he could best execute this resolution with advantage to America, was the preservation and relief of captive seamen whom the fortune of war would throw within his reach. These in considerable numbers, at different times, as well in Spain and in the Western islands as throughout the Kingdom of Portugal, he assisted with supplies of food, medicine, care, clothing, and the means of transporting themselves back to America. His own house frequently received whole crews from the prison ships, from whence the sick and wounded were sent to hospitals, and where the well were entertained and supported till opportunities could be found for their return

home; for which purpose they were supplied with every necessary.

That the execution of this plan was attended with great hazard as well as great expense and loss to your memorialist, who soon became an object of the resentment and persecution of the Court of London; upon whose instances with the Court of Portugal, * * * * * your memorialist was forbidden, on pain of banishment, from continuing his assistance to the Americans; but his attachment to their cause would not suffer him to be deterred by menaces or dangers from persisting in what he considered as a duty he owed to the cause of humanity and liberty.

That, happily for him, the events of war favoring the hopes of America, and procuring the countenance of some of the most respectable Powers of Europe, prevented the execution of these menaces; and your honorable body, some time in the year 1780, having been informed of the good-will of your memorialist, and having been pleased, unasked by him, to reward him with the appointment of agent at the Court of Lisbon, your memorialist had the satisfaction (though not recognised by that Court till after the peace) to continue his zealous endeavors for their service, under the authority and sanction of the United States.

That too much of your memorialist's time, attention, and money, was employed in the prosecution of these views, to consist with the prosperity of his private affairs. The diminution of his funds, the disgusts and fears of his friends on account of the part he took, the critical position in which he for a long time stood with the Government, concurred in the ruin of his mercantile credit and interest. The consequence is, that he now stands in need of the bounty of Congress, for what he hopes he has deserved, but never intended, till urged by necessity, and invited by the complete success of the Revolution, to ask a reimbursement of his expenses, and a reasonable compensation for his services.

That, actuated by a strong desire of visiting that land of liberty he so long loved, admired, and served, and of manifesting upon the spot his respect for that august body whose wisdom has founded the American Republic, and at the same time hoping that his presence would enable him to give a more satisfactory explanation of his services and pretensions, your memorialist some time since communicated to Congress his intention to embark for America; which he has since done, leaving his brother, Jacob Dohrman, his substitute at the Court of Lisbon, who has accordingly been received in that capacity, and whose abilities and influence will more than supply the absence of your memorialist.

That your memorialist, being now arrived at the seat of Congress, is happy in the opportunity it affords him of renewing to your honorable body the assurances of his unalterable respect and veneration.

That your memorialist, confident he may expect from the justice and generosity of the coun-

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try in whose fate he has so warmly interested himself, not only a proper indemnity for his expenses, losses, and sacrifices, but also an adequate compensation for his services, has only to regret that the circumstances under which those expenses were incurred, and those services performed, do not permit him to offer to Congress vouchers for many of the articles which compose his claim. Your memorialist cannot, however, but flatter himself that indulgent allowances will be made for his situation; to entitle him to which, he begs leave to suggest the following facts:

That a great part of the time he kept no regular accounts; that a considerable proportion of the expense was incurred under his own roof, and confounded with other family disbursements for the subsistence of the prisoners whom he, from time to time, received in his house; that much of what he did was done in a secret manner, to elude public observation, and of course under pretexts and appearances which would not admit of vouchers of the facts; and, in the last place, that he was often obliged, for his own security, to deposite his papers out of his possession; by which means many of them were at different times lost.

Your memorialist, therefore, to supply any deficiencies which may appear, must rely on the notoriety of his sacrifices and services, and must appeal to the accounts received by some of the members of your own body, and to the testimony of respectable individuals now on this continent, which, in the progress of the business, your memorialist, if required, will endeavor to produce.

That your memorialist, having little more in his power than to exhibit a general sketch of the objects of his expenditures, begs leave herewith to submit the same to the consideration of your honorable body, recalling to the attention of Congress the time and circumstances under which he first gave proofs of his attachment to the American cause, the peculiarity of those proofs, the voluntary and disinterested manner in which they were given, by a stranger to the country, and no otherwise allied to its interests than by the sympathy of common principles; the actual sacrifices and personal danger with which they were attended; the instrumentality of your memorialist in preserving to the United States many valuable subjects, part of whom would have lost their lives for want of proper assistance, and others would have been compelled by their necessities to engage in the service of the enemy; the singular situation to which his unsought interference would have reduced him had the Revolution failed; and, in the last place, to the distress and embarrassment which he in fact experienced in consequence of the application of his funds and time to its advancement, &c. Your petitioner will ever pray, &c. A. H. DOHRMAN.

[Presented to Congress, July 19, 1786.]

PARIS, May 16, 1780.

SIR: I have received the letter which you did me the honor of writing to me the 11th of April,

in which you inform me that more than six hundred of my unfortunate countrymen have received succors from you, without which they must have been reduced to despair, or forced to engage on board the vessels of their enemies.

In this, sir, you have distinguished yourself by efforts of humanity, which do you great honor, and which deserve more imitation in countries where it is a pity there is so much occasion for them. There would not be so much occasion for them in Portugal, give me leave to say, if it were not for the free admission of British men-of-war and privateers into their harbors, and for the rigorous and impolitic, and I must add unjust, exclusion of American men-of-war and privateers from those ports. Americans have done no injury to Portugal, to deserve a treatment so partial; on the contrary, the long and free intercourse of commerce between America and that kingdom gives them a right to have expected a treatment less hostile. My countrymen, however, ought not to be less thankful to you for your generosity; on the contrary, they ought to prize it the higher. You will please to accept of my thanks as an individual who feels himself obliged to every gentleman, of whatever country, who is good enough to assist his unfortunate countrymen.

I shall take the liberty to enclose your letter to Congress, or a copy of it; but, lest mine should miscarry, I should advise you to write to the President of Congress yourself, and send your letter by some of the Americans who may be at Lisbon.

I am very sorry for Captain Cunningham's captivity, who has deserved well of his country. I was informed of it by a letter from Lisbon before from Mr. Calf, to whom I would write if I did not suppose him gone from Lisbon. I waited on his excellency Dr. Franklin immediately, to inform him, who tells me he has taken such measures as were in his power for the relief of Capt. Cunningham.

I am, with much respect, your obliged and obedient humble servant,

JOHN ADAMS.

Mr. ARNOLD H. DOHRMAN.

VIRGINIA, May 24, 1780.

SIR: The many kindnesses which you have shown to our captive countrymen whom the fortune of war has carried within the reach of your inquiries do great honor to your humanity, and must forever interest us in your welfare. I beg leave, on behalf of my countrymen, to assure you that these attentions are felt with sensibility, and that any occasion which shall offer of rendering you service will be cheerfully embraced. Should future events open an intercourse between your country and ours, for the exchanges of productions yielded by the one and wanted by the other, your actions have pointed out the friend to whose negotiations we may safely confide our interests and necessities.

I beg leave to subscribe myself, with the great-

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est esteem and respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

To ARNOLD HENRY DOHRMAN, Esq.

RICHMOND TOWN, IN VIRGINIA.
December 12, 1780.

DEAR AND WORTHY SIR: Understanding that there is a conveyance to you by a vessel just about to sail, I sit down, in great hurry of business, to write you this letter. I know not if you have received those already written and sent, and perhaps may repeat some things formerly mentioned, which the uncertainty of conveyances, I hope, will excuse. I must again present my best acknowledgments and thanks for the generous present you ordered to me. Mr. Anderson informs me of it; and, although the accidents of war deprived me of receiving the articles your undeserved generosity intended for me, yet the enemy could not take from me that which your liberality designed—I mean your esteem and regard. Of these I am happy to find myself in possession; and I can assure you that, in return, I give you mine, with all the sincerity and warmth a high sense of gratitude for benefits conferred on my suffering and distressed countrymen can inspire. These benefits can only be equalled by the noble and disinterested manner in which they are conferred; and I hope I shall not be charged with flattery when I say that, among the transactions of this interesting time, some friend to virtue I hope will be found who may record the fact, and inform the world that there lives a man who turned his eyes from scenes of grandeur, dissipation, and the allurements of wealth and pleasure, to behold the virtuous sons of America struggling for the rights of human nature; and, although unallied to them by any ties of country or kindred, he opened his purse to them as distressed captives, and took them to his bosom as brethren. As an American I thank you, sir; and, as a lover of those virtues that adorn our nature, I congratulate myself to see it thus rescued from the general charge of degeneracy. I know how little valuable, in general, empty praises are, especially those that come from this distant part of the world; but they are all we have to give at present. For the present, therefore, accept from me this only tribute which I can give to your merit. Perhaps time may furnish the means of something more substantial in return.

I took the liberty to mention you to Congress. They have been pleased to appoint you agent for the United American States in your country. I wished this to be done, as a mark of regard to you, and beg your excuse if you wished it not to be done. Perhaps, after this appointment, nothing which this particular State could do would be worth attending to of a similar nature.

Your friend, Mr. George Anderson, has often mentioned to me the case of Captain Felt, and I have given him the best assistance in my power in that and every other matter. Indeed, his dili-

gence, assiduity, and alertness are so great that I am confident he will omit nothing for your interest. I can assure you I am happy that I was instrumental in ushering him into your notice and regard, because I am sure he will do your business well and effectually, and he possesses uncommon diligence, joined to capacity and integrity; and be assured I will lend him my assistance and best advice for your interest.

I am at present in private life, except that I am chosen a representative in our Legislative Assembly. The first part of this war I spent in public life; and, from the excessive load of business, I was glad to see the end of three years, to which my office was limited by law. My dwelling is far inland, in the county of Henry, to which place letters to me will be addressed.

At present, the war is changed from the northern to the southern part of the continent. The capture of Charleston has raised our enemy's spirits, although it is of not so great consequence as they affect to believe. Very lately we killed and took prisoners the whole of a party of eleven hundred and odd, that advanced up into the country supposed to be conquered, and none of the party escaped to tell the news. This exploit was achieved by Colonel William Campbell, my brother-in-law, with nine hundred militia, armed only with rifles, and no hand weapons, while the enemy were posted on the top of a mountain, behind their defences. It is accounted one of the greatest exploits performed in America during this war, and has disconcerted the enemy greatly. However, they are preparing to act against us in the South with vigor, and we are preparing for the event of another campaign. It will be pretty obstinate, I believe. The northern States I consider as quite given up by Great Britain, and their only remaining hopes fixed on the southern, where the people are not so warlike, and, from their smaller numbers, not able to resist so effectually; but our forces will march from the North, and, I trust, continue the contest with effect.

It will give me great pleasure to correspond with you, and, on all occasions, to show you that, with the most sincere regard and esteem,

I am, dear sir, your affectionate friend and very humble servant,

PATRICK HENRY.

ARNOLD HENRY DOHRMAN, Esq.

RICHMOND, January 1, 1785.

SIR: It was not before yesterday that the Senate of Virginia had official knowledge of you, sir, and therefore could not have been acquainted with your conduct in respect to our unhappy countrymen (as well as to others of our sister States) carried prisoners into Lisbon by our cruel and unnatural enemies the British. Struck with surprise on having in proof the numberless instances of your unparalleled acts of generosity to them, and the dangers you run at a time when your Court had shown no open act by which we had reason to expect friendship from her, and when she was in close alliance with our enemies,

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we cannot tell which most to admire, your Christian virtues, or your fortitude in exposing your person and fortune to the machinations of our enemies, then in high interest with the august house who governs your country, and with whom we think ourselves extremely happy in having formed, since our independence has been established, a connexion, which we most heartily pray may be continued on the most enlarged and liberal principles. It is with pleasure, sir, we know you are admitted at your Court to act in a public character by commission from the honorable Congress of the United States of America, as it gives us a prospect that, by your abilities, a more open and free commercial system will be adopted between the Kingdom of Portugal and the United States of America.

It is, sir, with the utmost pleasure to myself that, as Speaker of the honorable body the Senate of my country, I have their orders to return you their grateful and warmest acknowledgments for the numberless acts of favors our citizens, as well as others of our sister States, have received from you.

I am, sir, with the highest esteem and respect, your most obedient humble servant,

ARCHIBALD CASEY,
Speaker of the Senate of Virginia.

ARNOLD HENRY DOHRMAN, Esq.

MOUNT VERNON, July 9, 1785.

DEAR SIR: I take the liberty of introducing Mr. Dohrman to your friendly notice and civilities. He is represented to me as a gentleman of great merit, and one who, at an early period of the war, (when our affairs were rather overshadowed,) advanced his money very liberally to support our suffering countrymen in captivity.

He has some matter to submit to Congress, which he can explain better than I. I am persuaded he will offer nothing which is inconsistent with the strictest rules of propriety, and, of course, that it will merit your patronage.

With very great esteem and regard, I am, dear sir, your most obedient, humble servant,

G. WASHINGTON.

The Hon. SAMUEL CHASE.

BY THE U. S. IN CONGRESS ASSEMBLED,
Monday, October 1, 1787.

On a report of the Board of Treasury, to whom was recommended their report on the memorial of Arnold Henry Dohrman:

Resolved, That Arnold Henry Dohrman be reimbursed the sum of five thousand eight hundred and six dollars and seventy-two ninetieths of a dollar, with interest on the same from the time of expenditure, being the amount of sundry disbursements by him made for the relief of American prisoners, agreeably to vouchers examined and admitted by the proper officers of the Treasury.

And whereas the claims of the said Arnold Henry Dohrman against the United States

amount to twenty thousand two hundred and seventy-seven dollars and forty ninetieths, over and above the sum of five thousand eight hundred and six dollars and seventy-two ninetieths, as above stated, in support of which various and important documents are offered, though of a nature too general to be admitted agreeably to the rules of the Treasury: and whereas this deficiency of vouchers appears to arise from the nature of the disbursements made by Mr. Dohrman, whose own house was frequently the 'asylum of whole crews of captive American seamen, who were fed, clothed, and relieved in sickness through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property: and whereas Congress are disposed to acknowledge in the most honorable manner the eminent services rendered by Mr. Dohrman, and to make him further compensation:

Resolved unanimously, That the said Arnold Henry Dohrman be allowed, in consideration of his faithful and generous services as agent from the United States at the Court of Lisbon, the sum of sixteen hundred dollars per annum, and that the said salary be computed from the period at which his expenditures commenced, to the present day.

Resolved unanimously, That one complete and entire township, subject to the reservations as in the other townships, agreeably to the ordinance of the 20th May, 1785, out of the three last ranges surveyed in the Western Territory of the United States, be, and hereby is, granted to the said Arnold Henry Dohrman, free from all charges for survey; and that the said Arnold Henry Dohrman be allowed to make choice of the aforesaid township of land out of any of the said three ranges last surveyed, after the Secretary of War shall have drawn for the proportionate quantity of land assigned to the late army, agreeably to the said ordinance of the 20th May, 1785.

Resolved unanimously, That the above payments be made in such manner as the present state of the finances will best admit of, and that the same, together with the grant of land as aforesaid, be in full of Mr. Dohrman's claim against the United States.

CHARLES THOMSON,
Secretary.

STUEBENVILLE, Jan. 8, 1817.

SIR: I have seen and read the petition of Mrs. Dohrman, forwarded to you by last mail, and take the liberty of stating that I believe the facts contained therein, so far as I have had any opportunity of ascertaining them, to be true. I have, from time to time, made particular inquiries as to the value of the land which Mr. Dohrman received as a donation, and have no hesitation in saying that I consider it as the worst township in the three western ranges of this district out of which Mr. Dohrman had the right of selection. He was undoubtedly imposed on

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by his agent, who most probably made the selection from a mere inspection of the map, without an actual view of the land. The loss sustained by Mr. Dohrman in the selection has been gained by the United States; so that, on this ground alone, Mrs. Dohrman would appear to have a fair claim.

Whether the donation made to Mr. Dohrman, if it had been realized to its full amount, was an adequate compensation, you will be better able to decide on a view of the documents accompanying the petition. I must confess that, to me, it always appeared a very inadequate return for services so disinterested, and so far transcending the common limits of benevolence. The grant was made in the year 1787. At that time the country not being settled, the land would not have sold for fifty cents per acre. If, as I believe it was, the expenditure was made more than eight years before that time, the land, at the time of the grant, would not have sold for the interest of the sum actually advanced by Mr. Dohrman, and acknowledged by Congress to be justly due. It will be recollected that the adjoining lands were not offered for sale for thirteen years afterwards, viz: in 1800, when this office opened, and few sales were made so far west as Mr. Dohrman's township for several years after that period. It is probable, therefore, that no sale could have been effected prior to 1800; and I am convinced that neither at that time, nor at any period since the grant, could the township granted to Mr. Dohrman have been sold for the interest which would at the same period have been due on the sum expended by him, if I am correct as to the date of that expenditure. I do not believe it would now sell for half that amount, and I am well assured that it did not, in fact, produce half that amount to Mr. Dohrman.

On every view, then, that I can take of the subject, considered merely as a money transaction, the compensation appears to have been very inadequate. But, on this occasion, it is to be hoped that a great and generous people will not confine themselves to a mere counting-house cent and dime calculation of debit and credit. By what scale can you measure the benevolence of heart that prompted to such generous disinterested humanity as Mr. Dohrman evinced towards our suffering countrymen! By what rule can you estimate the wounded sensibilities of a generous and cultivated mind, reduced from affluence, from having the power of dispensing bounty and relieving distress, to a state of dependence and want—to need, though he disdained to ask, that charity which he had, in better days, been so prompt to bestow.

Mr. Dohrman, sir, died two doors from me, literally of a broken heart, without one ray of hope, as to this world, to cheer the gloom, but what arose from the expectation that this his adopted country, whose friend he had been in her peril and distress, would not, in her day of prosperity, abandon his now helpless family.

I indulge the hope that Mrs. Dohrman's petition will meet a favorable reception; and that we may

not see in our streets, earning a scanty subsistence by the labor of their hands, friendless and uneducated, the children of this early and warm friend of our country, whose heart, whose house, and whose purse were so promptly and kindly opened to our distressed and suffering countrymen.

I have the honor to be, very respectfully, sir, your obedient servant,

DAVID HOGG.

P. S. I will thank you to communicate this, or the substance of it to Mr. Morrow. I would have written to him also, but that I have not the pleasure of a personal acquaintance with him.

D. H.

HON. BENJAMIN RUGGLES,
Washington City.

PITTSBURG, Jan. 13, 1817.

DEAR SIR: A petition will be presented to Congress this session by the widow and children of Arnold Henry Dohrman, stating their present distressed condition, and praying relief in some shape from Congress.

Mr. Dohrman's meritorious claims were considered and settled by the old Congress on the 1st of October, 1787, as appears by the Journals of that date. You were then a member, and may recollect Mr. Dohrman, who lived long in the city of New York, where his dwelling was twice destroyed by fire. Owing to these and other misfortunes, he was obliged to abandon mercantile pursuits; and, as a last resource, he removed to the Western country, in the hope that he might derive subsistence for his family from the township allotted to him in the seven ranges by the resolution of Congress. Antecedent to his removal hither, he was obliged to mortgage his township to some of his creditors in New York, and this disabled him from making the best of it by subdivision or improvement.

He was in deplorable embarrassment when he reached this place, and, on examination, I found that he had unfortunately selected one of the worst townships in all the ranges, having been misled by the information of a surveyor who traced two outlines of it, where the land happened to be good, but who never had examined the land of the interior. Indeed, at that time the country was little known even to the surveyors, who were obliged to employ guards to protect them against the savages, while they marked the boundaries of the townships, without exploring any of the lands further than this operation required. The whole of his township is hilly, broken with gullies, remote from settlement or improvement, and would not now command \$10,000 at a public sale; whereas, had he been well informed, he might have taken one that would now produce \$100,000. He did, however, accept what was offered, on the best advice he could obtain, because he could get nothing else from Congress, who were destitute of funds to reimburse his advances. He accepted it, believing that he was taking the best land, which Congress evidently

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intended should be the best, but which by mistake happened to be among the worst.

He removed from this place to Steubenville, that he might live at less expense, and be nearer to his lands. His large family (chiefly females) was managed and sustained with an economy and frugality beyond anything I ever witnessed; yet in the end his avails from the lands were exhausted, and all credit at an end, although his situation was among the best he could have chosen; for the society in which he had become resident were kind and liberal to him, and have continued their beneficence to his helpless family.

As he had numerous documents and letters showing the high opinion entertained of him by many in the old Government who are still living and in public stations, he was advised to go in person to the City of Washington, and make his condition known, in the hope that as he, in the days of his prosperity and our distress, had never permitted one of our captive seamen to suffer, but his house had been their hospital and their home, we, in our turn, would extend to him a helping hand, to redeem him from the calamities that had overwhelmed him. He prepared to take this journey, and was furnished with means for his expenses, but he sickened and died before the season allotted for leaving home.

Although he did not live to solicit relief, yet it is earnestly hoped that his family may not be forgotten. Provision may be made for them without furnishing any dangerous precedent. Their case is such as can have no parallel. Lands offered and accepted, the value of which was unknown and could not be ascertained on account of danger from a public enemy; bad land taken, where good land was intended by Congress, the grantee a stranger, never in the Western country; his services great, his subsequent misfortunes, the helpless state of his family—all combine to justify an indemnity for this mistake, either in money, or, what would appear more specific, a grant of land to trustees, with power to sell on such credits, in such portions, and by such subdivisions as they may think advisable, for the support of the family and education of the children; the accounts of the trustees to be submitted to the court of Jefferson county, Ohio, and approved by them; the court to have full power to fill up vacancies occasioned by death of trustees, &c., and to compel a faithful execution of the trust as in other cases.

I am persuaded you will cheerfully co-operate in promoting any proper measure for the attainment of relief for this truly wretched family, now dependent altogether on the liberality of our country; and, if you see no fatal objection to their claim, let me ask for them not only your good offices in explaining their case to the Senate, but that you would also take the trouble of communicating to Mr. Hopkinson and Mr. J. Wilson of the House of Representatives all that you may deem useful towards forwarding the measures that may be adopted for their benefit; they will, I am sure, be ready to assist in all that ought to be granted.

Having an intimate knowledge of all Mr. Dohrman's affairs, ever since he came to the Western country, I can speak with certainty of the correctness of all that I have stated; and I will only add, that I have never known a family more forlorn and helpless, without any blame upon their own management of the means in their hands.

I have entreated your assistance in this charitable business the more readily as it affords me the opportunity of presenting myself again to your recollection, as well as of assuring you that I remain with the highest respect and esteem, dear sir, your faithful friend, and most obedient servant,

JAMES ROSS.

HON. RUFUS KING.

An Act for the relief of the widow and children of Arnold Henry Dohrman, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to Rachael Dohrman, widow of Arnold Henry Dohrman, late of Steubenville, in the State of Ohio, deceased, the sum of three hundred dollars, annually, during her life, payable quarterly from and after the 31st day of December, 1816.

Sec. 2. And be it further enacted, That there be, and hereby is, granted to each of the minor children of the said Dohrman, until they shall respectively arrive at the age of twenty-one years, the sum of one hundred dollars, payable quarterly from and after the 31st day of December, 1816; the said grants to the said minor children shall be received and applied for their support and education, and shall be accounted for in conformity to the laws that now are, or hereafter may be in force in the State of Ohio, providing for the management of the estates of orphans.

Sec. 3. And be it further enacted, That the grants herein made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

LOSSES SUSTAINED DURING THE REVOLUTION.

[Communicated to the Senate, January 31, 1817.]

The committee to whom was referred the petition in behalf of the representatives of Francis Cazeau, reported:

That the claim is founded on losses sustained during the American Revolution; and as the history of the circumstances are considered necessary to a right understanding of the merits of the case, the committee offer this as an apology for the report being more than usually long.

Francis Cazeau, a native of France, and late a merchant at Montreal, served in the war of 1756 in Canada, under Generals Montcalm, De Levi, and De Lusignan, and returned to France in the latter part of the year 1763, where he was presented to, and had several conferences with, Monsieur de Choiseul, then Minister for Foreign

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Affairs at Versailles, in which that Minister gave him to understand that France had yielded to necessity in the late cession of Canada to Great Britain, and would seize the first opportunity that presented of recovering the provinces of Canada, Nova Scotia, and Newfoundland; that with this view the Minister encouraged the said Cazeau to return to his usual residence and commercial pursuits at Montreal, in order that he might serve and promote the French cause and interest in the said provinces, by keeping up the attachment of the Canadians to their late Sovereign, the King of France, and by preserving a good understanding with the different Indian tribes. Soon after this, Mr. Cazeau returned to Montreal, where he extensively carried into effect the wishes of Monsieur de Choiseul.

In the year 1774, after some disturbance had taken place in Boston, Mr. Cazeau received a message from M. de Vergennes, French Minister for Foreign Affairs, by the hands of two messengers despatched to him at Montreal for that purpose. The object of this mission was to renew the request and instructions before given by M. de Choiseul, and to solicit Mr. Cazeau's aid in behalf of the American revolutionists; assuring him that the cause of the revolutionists was united with that of France, and would speedily receive her vigorous and cordial support. That, in the year 1775, a man by the name of Walker, authorized by Congress, then sitting in Philadelphia, delivered into the hands of Mr. Cazeau a letter addressed to the people of Canada by the American Congress; and the said Walker requested Mr. Cazeau to give this letter a speedy and extensive circulation in Canada, to promote the cause which Congress had undertaken.

In the following November of the same year, (1775,) Edward Antill, afterwards colonel of the Canadian regiment commanded by General Hazen, delivered to Mr. Cazeau the original of another letter addressed by General Washington, then commander-in-chief of the American forces, to the people of the province of Canada, which Colonel Antill requested him to circulate in like manner.

In the beginning of the year 1776, Mr. Cazeau received a third letter addressed to the people of Canada by the American Congress, for the purpose of being circulated in the same manner as before; which three letters were all distributed and made public by Mr. Cazeau as requested, and it is believed were productive of much good. It was also in November, 1775, that Generals Montgomery and Wooster, a few days after entering Montreal, applied to and solicited Mr. Cazeau, in the strongest and most pressing manner, in the name and by the express authority of the American Congress, to serve the cause of the revolted colonies, (now the United States,) through his interest and influence in Canada, assuring Mr. Cazeau at the same time, in the name of Congress, that he should receive full and adequate compensation for any dangers, losses, and injuries he might incur from so doing.

In November, 1778, Count d'Estaing, com-

mander of the naval forces of France, then lately arrived at Boston, deputed Father Germain, an ex-Jesuit, to present to Mr. Cazeau a proclamation, in the name of the King of France, to his former subjects in Canada, with a request that he would give it publicity, and informed him at the same time that his conduct had received the fullest approbation of the French Ministry; and repeated to Mr. Cazeau the assurance that the cause of the United States and France was the same; and that the King of France would guaranty any claims he might have upon the United States, in consequence of services rendered, or for those that he might hereafter perform.

Mr. Cazeau, though transferred with his property at Montreal, by the peace of 1703, to the British crown, still retained all his attachments to his native country, her monarch, and her interests; and, preferring the common cause of the United States and France to that of Great Britain; and urged on to act by the united solicitations of both Powers, notwithstanding the splendid hopes and rich allurements held out to him by Sir Guy Carleton, the British Governor of Canada, embarked his life and fortune in the cause of revolted America, which he faithfully served and eminently promoted.

In order that your committee may give a more comprehensive view of the manner in which Mr. Cazeau has thus served and promoted the cause of their country, they beg leave to make some selections from statements under oath, which they pray may be considered as part of their report.

In the year 1775, when Mr. Cazeau had distributed abroad the invitation of Congress to the people of Canada, he made use of his agents in the fur trade to promote dispositions favorable to the cause of America among a great number of tribes of Indians, with whom he had an extensive commercial intercourse; and he caused the Indians to dissemble with the British Governor of Canada, who, unsuspecting of the stratagem, stripped the province of his regular troops, and thus facilitated the entry of Major Brown into Canada, where he met at every place with assistance and friends, and took possession of several posts.

The reinforcement under General Montgomery, expected in the latter part of this year, and which, destitute of every necessary provision, was supplied by Mr. Cazeau, enabled him to take possession of a flotilla of Carleton's, in the river St. Lawrence, by which he entered Montreal in November of this year.

The letter of General Washington, addressed to the Canadas, being circulated by the emissaries of Mr. Cazeau, he strengthened the partisans of Congress in that quarter by gaining over the irresolute, and by engaging numbers of the inhabitants to join under the banners of Montgomery, offering, as an inducement, to many, entire absolution from the debts they owed him, and to others gave such necessary provisions and comforts as their necessities required. Of these the General formed three bodies of troops, and

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assigned the commands to Colonels Livingston, Dugan, and Hazen, who served with great zeal during the war. And these sacrifices do not form an item in the present claim, as they never were estimated or presented.

In 1776, in addition to the service rendered by the circulation of exhortations of Congress to the people of Canada, Mr. Cazeau procured intelligence to be given to Generals Wooster and Arnold, which disconcerted the plans of General Carleton when he considered the success of his troops most certain; and, during the blockade of Quebec, Beaujeu, the emissary of General Carleton, was prevented, by the interference of Mr. Cazeau, from recruiting at Montreal and other places, by which the blockade was continued till the Spring, when eight thousand troops, under the command of General Burgoyne, came to their relief, and the capture of the post of Cedars by the American troops was facilitated through the influence of Mr. Cazeau, who prevented the inhabitants of the province from joining Captain Moore.

In 1777, new offers were made to Mr. Cazeau by General Sir Guy Carleton to win him over to the interest of Great Britain, which he again refused, and retaliated on the General by gaining over the emissaries and spies of the British party, by means of whom he unravelled the plans of their campaign, and frustrated the contemplated junction of the two armies of Clinton and Burgoyne. He contrived that the Americans should have intelligence twenty-four hours before the British of every order with which they procured emissaries should be charged; and by this means Colonels Solinger and Sir John Johnson were routed on Lake Ontario—an event which led the way for the celebrated victory of General Gates at Saratoga, that gave so decided a character to the hopes of the Revolution.

It was owing to the fortunate intelligence given in 1778 by Mr. Cazeau to Generals Schuyler and —, that the capture of General Rochambeau in Rhode Island, with four thousand five hundred men, was prevented, as Admiral Howe was upon the point of landing ten thousand troops, by whom they would have been surrounded; and the surrender of Fort Mifflin to the troops of Congress, which had been negotiated between him and a British officer of distinction, would have been effected, if an American officer had arrived at the time appointed.

In the year 1779, entertaining still the hope that the promised American troops would arrive, Mr. Cazeau renewed his plans against Fort Mifflin, and, in concert with the British officer before mentioned, he sent off in July an Annoyote Indian with a letter containing the necessary information as to the state of things, and requesting troops to be immediately despatched into Canada. The failure in the execution of this plan, and the loss of this most favorable opportunity of aiding the cause of America, can, in the opinion of Mr. Cazeau, be only ascribed to the disaffection of General Arnold, of which at that time he was wholly unconscious.

Understanding in the year 1780 that the town of Quebec had not more ammunition than would be equal to a siege of ten days, and that it was as ill furnished with provisions, without any hope of supply for some time, and that there were only about four thousand five hundred troops dispersed throughout the whole extent of the country, a Mr. Kenay was sent off by Mr. Cazeau, express, to give this intelligence to Congress; but, unfortunately, being imprudent in the selection of his guide, they were discovered, and this detection caused the imprisonment of Mr. Cazeau, who, still intent upon his object, though in prison, found means to send off one Mynor, another express, to carry a duplicate to Congress of the same intelligence that had been confided to Kenay; but the treachery of Arnold rendered abortive almost every plan that could be devised.

Though confined in prison, for nearly two years and a half, the devotion of Mr. Cazeau to the cause of America was not lessened; and the resources of his intelligent mind were perpetually furnishing aid even in this situation. During the period of imprisonment, he gained over to his interest the spies of the British Governor, and obtained from them every message they were charged with; and he procured the escape of numerous prisoners (both French and Americans) at different intervals of time, by whom he forwarded to Congress, or to the American commanders, whatever important intelligence he procured from the British spies.

Informed that a body of troops was forming at Albany under the command of the Marquis de Lafayette, for the purpose of entering into Canada, though still confined to his prison, Mr. Cazeau arranged a plan, with the before-named British officer who had undertaken to surrender Fort Mifflin, to put the British forces between two fires, and to surrender their General in case of a general action; and also to deliver up in the night one of the gates of Quebec if any American troops should present themselves before it.

Worn out with expectation, and disappointed in every scheme to procure the admission of troops into Canada, Mr. Cazeau made another and last attempt, through Mr. Rey, (a French officer,) whom he deputed to Congress for that purpose, and, though still unsuccessful, he had the satisfaction to learn that there was a coincidence of plan between him and General Washington, inasmuch as the General had, with equal earnestness, though with similar want of success, solicited both Congress and the French Minister that the troops commanded by Count Rochambeau should be sent into Canada. Reduced to the last extremity, and finding that his presence in Canada could no longer, under existing prospects, be useful to the common cause of the United States and France, Mr. Cazeau effected his escape from prison, and took with him his son, Colonel Gordon, and six other prisoners, and made his way into the United States.

During the period of his captivity, from 15th April, 1780, to 23d August, 1782, Mr. Cazeau was eminently serviceable, both by the correspondence

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which he carried on, as well as by effecting the escape of American and French prisoners, which he did to the amount of more than 150 persons, a great portion of whom were officers, and for whom he furnished the necessary equipments, provisions, and guides to enable them to get off.

It appears that Mr. Cazeau was appointed to the rank of colonel by General Montgomery, at Montreal, in November, 1775. But, by an express agreement and understanding between them, his name was not inscribed on the list of American officers, as that would have exposed his safety, inasmuch as it was necessary that he should live among the enemy, and would have put it out of his power to render those services that were expected from him.

From the evidence laid before your committee, they believe that Mr. Cazeau was a man of very large fortune at the commencement of the American Revolution, which was certainly sacrificed in consequence of his adherence to that cause, as what was not consumed by him in the service of America was confiscated and lost upon his retiring into the United States. He escaped with his son from prison, and came into the United States destitute of everything, reduced from affluence to poverty, and stood before the American people, to whose emancipation he had been greatly instrumental, a suppliant for justice—claiming from the Government a mere indemnity for pecuniary losses incurred at their instance and in their behalf, and generously making them a gift of what was more valuable than money, viz., his toils, his perils, and his sufferings.

It appears, from evidence of the most respectable kind, that Mr. Cazeau was a man of perfect integrity, and worthy of all confidence; and that no doubt can exist but that he did render all the services here set forth.

Nothing is better calculated to show the generous and disinterested sentiment which directed him to espouse the cause of America, as well as to prove the importance of his influence, than a consideration of the magnificent offers that were made him by the British Governor of Canada to draw him over to that interest. He was offered by the British Governor, in 1775, a grant of fifty-two square leagues of valuable land, containing, by estimate, about 366,912 acres. He was offered the general supply of the British army, the command of such a body of troops as he could raise, together with the commission of a brigadier general; and such was the eagerness to make the grant, that Mr. Jenkin Williams, judge of the court of common pleas and register of the secretaryship of Quebec, had been caused to sign a request for that grant, the record of which was actually made at the office.

The petition of Mr. Cazeau having been first presented to the Congress in 1783, a strong impression appears to have been entertained in that body favorable both to the merits of the claim and the worthiness of the petitioner, as they not only showed a disposition to settle and allow the claim, but seemed to have entertained the idea of granting him the island of Michilimackinac, as

an additional compensation for his services. This last intention was frustrated by the retention of the post of Michilimackinac after the peace of 1783, and a small advance of money was made as an earnest of the first.

In the year 1784 the subject was again brought before Congress, and a committee, consisting of Colonel Monroe, Mr. Howell, and Mr. Sherman, made the following report, which the committee beg may be received as a part of their report:

BY THE U. S. ASSEMBLED IN CONGRESS,
March 18, 1784.

Resolved, That as the depreciation of paper currency (mentioned in Mr. Cazeau's memorial) did not arise from a voluntary act of Congress, but was an evil forced upon us by our exigencies, hath been injurious to our own citizens as well as to foreigners, and as no compensation hath been made the former for the losses they have sustained thereby, the United States in Congress assembled cannot, with justice, discriminate between them and any other class or description of men.

Resolved, That whatever stores or provisions Mr. Cazeau purchased and collected for the use of the American Army, by engagement of the officer commanding the detachment, or other person duly authorized by him for that purpose, whether they reached the detachment or not, if so purchased and collected, they were destroyed, and he in that degree injured, the United States are in honor and justice bound strictly to make good the loss he sustained thereby, provided it shall not appear, in the liquidation of his accounts, that the said stores and provisions were to have been at his risk until the delivery thereof.

Resolved, That whatever Mr. Cazeau advanced to express, to give necessary communications to our generals, should be repaid him.

Resolved, That the sale of his goods to the inhabitants of his province, to promote our interest upon cheaper terms than he might otherwise have obtained, was an act of benevolence not authorized on our part, and can, therefore, in justice, give him no claim for retribution.

Resolved, That an interest of six per cent. per annum, from the 1st day of May, 1777, be allowed to Mr. Cazeau on the above advances, and on the amount of the articles so purchased and collected.

Resolved, That the Superintendent of Finance be, and he is hereby, directed to advance to Mr. Cazeau the sum of \$5,000 on account, and to order his account to be adjusted, and to give him certificates for the payment of the balance at such early and convenient times as the finances of the United States will admit of.

Resolved, That, in settling the accounts of Mr. Cazeau, his own testimony, under oath, be admitted in support of such other evidences as the circumstances of the case will admit.

C. THOMSON, *Secretary*.

BY THE U. S. IN CONGRESS ASSEMBLED,
June 7, 1785.

On the report of a committee, consisting of Mr. Ellery, Mr. Monroe, Mr. Read, Mr. William-

Losses sustained during the Revolution.

son, and Mr. Spaight, to whom were referred sundry applications from Canadian refugees—

Resolved, That the commissioners for settling the accounts of the State of New York with the United States be authorized and directed to examine the accounts of such Canadian refugees as have furnished the late armies of these States with any sort of supplies, and report thereon to Congress.

That the said commissioners cause the foregoing resolution to be published in Canada, and in such of the States in the Union as he may judge proper, to the end that such Canadian refugees may be duly informed thereof.

CHARLES THOMSON.

Copy of the account of the 1st of November, 1783, given to Congress.

The United States of America in account current with Francis Cazeau, Dr.

1777. March.	For 8,000 (minoto) bushels of wheat, at \$1 a bushel, as it appears by certificates numbered -	\$8,000 00
	Expenses and commission -	2,633 30
May.	For three boats loaded with wine, brandy, cheese, tea, shoes, hats, including the boats, as appears by certificates -	4,000 00
	Expenses and commission -	1,404 43
1778. Aug.	For the hire of an Indian, called Jean Baptiste, sent to General Schuyler, the same express having been sent by the General to the honorable Congress -	72 00
1779. July.	For the hire of an Indian Annoyote, sent to General Schuyler, who sent him back to Congress -	58 00
1780. Feb.	Paid to Mr. Kenay and to his guide, called Trudelle	74 60
Oct.	For an express sent by Mr. Rey -	\$48
	For money paid to him by Rey at his departure -	16
	Paid to his guide -	8
		72 00
		16,314 45
Interest at six per cent. for six years and a half -		6,357 25
Total -		\$22,671 70

1783. Feb.	Received in cash on account, upon the order of the honorable Congress -	\$1,000 00
Interest from the 6th February to 6th November		45 00
Error in the calculation of interest on the sums advanced to express -		26 08
		1,071 08
Balance due to Francis Cazeau -		21,600 62
		\$22,671 70

Copy of the affirmation of Mr. Cazeau.

ALBANY, July 24, 1785.

I, Francis Cazeau, do swear solemnly that, in the year 1776, I made a verbal agreement with General Arnold, commanding the American troops in Canada, to furnish to said troops certain articles of provisions and ammunition, for which the current prices in said province were to be paid to me, together with all the expenses attending the collection of them in convenient depositories, and in sending them to the Army, besides a commission of five per cent. on the total sum. At the same time, General Arnold agreed to indemnify me for all inevitable losses or capture, from the time the provisions should be collected to that of their delivery; that, conformably to the said agreement, a quantity was collected by my direction, of which the wheat, mentioned in the first article of the account, was entirely destroyed and lost; that the provisions of the second article, having been procured and sent in the same manner, have been plundered and entirely destroyed, with the boats; and that the prices and expenses set in the present account are not above those current at that time and place. I declare, besides, that the account passed in conformity with the agreement is just, without fraud towards the United States; and that I have not received either payment or compensation but what is carried to the credit of the present account.

FRANCIS CAZEAU.

WM. BARBER, *Commissioner, &c.*

Revisal of the above account by William Barber, Commissioner appointed by a resolve of Congress of the 27th June, 1785.

ALBANY, July 27, 1785.

SIR: The United States in Congress, by their resolve of the 27th June last, have been pleased to give me the power of examining the accounts of those Canadian refugees who have furnished the armies of these States with provisions of any kind, and to make report to Congress. I have examined the claim of Mr. Francis Cazeau, and have the honor, through your Excellency, to report that, as Congress, by a resolve of the 18th March, 1784, thought proper to order that Mr. Cazeau's own testimony, under oath, should be allowed in support of all other evidences which the circumstances of his case required, I have therefore taken it, (such as is annexed to this,) by which it would appear that, by an agreement entered into between Mr. Cazeau and General Arnold, all provisions and munitions furnished by virtue of the said agreement were to be at the risk of the United States up to the delivery; and, by other concurrent testimony, the quantity charged in his account was *bona fide* procured with the intention of aiding our army; and that the said provisions and munitions were inevitably lost and destroyed before they were demanded and had arrived to our troops.

It would appear, also, as well by the testimony of Mr. Cazeau, as by a comparison of the price of wheat in those States, that the prices charged

Losses sustained during the Revolution.

are not above the prices current at that time; therefore, conformably to the last act of Congress above mentioned, which has laid down the principles by which the present account is to be governed, it would clearly appear, and I am entirely of the opinion, that the sums charged for the wheat, the three boats, the provisions, and advances to gain intelligence, are just; that the United States owe to Mr. Cazeau the sum of \$8,000 on account of the first article, and \$4,000 on account of the second; and that the United States owe also to Mr. Cazeau, for advances made at different times to procure intelligence, the sum of \$276 64, and for advances made for the use of the troops of the United States. As to that which relates to the expense of transportation of the aforesaid provisions, and the commission on the purchase, although it appears, by the testimony of Mr. Cazeau, that these allowances should be made, yet I presume that a special act of Congress is necessary to confirm this part of the agreement before any sum be placed to his credit on that account. I am, at the same time, of the opinion that the ordinary commission ought at least to be allowed to Mr. Cazeau on the amount of his purchases, together with a compensation for the extraordinary expenses which he had to incur in procuring and forwarding the provisions, as well as the expenses which he has incurred in obtaining a settlement of his account.

I am your Excellency's very obedient servant,

WILLIAM BARBER,

Commissioner of Accounts, N. Y.

His Exc'y the PRESIDENT of Congress.

The amount thus settled on account, by order of Congress, falling far short of what Mr. Cazeau thought he had a right to claim, as he entered into the service of the United States at the beginning of the Revolution with an estate worth more than three hundred and fifty thousand dollars, and came out of the war in penury and distress, he declined accepting the amount liquidated by Mr. Barber, Commissioner of Accounts for the State of New York, not understanding the same to be on account, but in lieu and in full satisfaction of his more ample claim.

Emboldened as he was to risk everything, by the solicitations of the American Congress, who, together with the Government of France, were pledged to the amount of whatever losses he might sustain; and buoyed up for a time by the flattering prospects that were presented to him, before the fervor of gratitude for his aid had subsided, it is not wonderful that, when wearied down with the pursuit of his just claim, and sinking with despair, he should have given expression to his feelings in the following pathetic style, viz; "The favorable disposition that was shown towards me at that period (1783) by the Legislature of the United States, and the liberal concessions of land which were announced by several* members of Congress as being intended to be made to me as an indemnity spontaneously

granted by national munificence, had rendered me extremely moderate and reserved in all my demands relative to the determined objects of my account, and also in the several valuations, which seemed in some measure to be left to my own arbitration. But after having been kept until this day in vain expectation of the justice that was promised; after having worn out the rest of my life by twenty-four years of fruitless solicitation, attended with continual fatigue, sorrow, and the deepest misery, since a great nation has enjoyed that happy state of independence which my eminent services have contributed to establish; reduced as I am now, bordering upon my grave, to invoke only a strict and impartial justice, which, although I may never enjoy the effect of it, my creditors, my benefactors, and my children may partake in, I cannot dispense with stating each particular object of my loss at its fair value at the time when I was dispossessed of my property."

Mr. J. B. Stuart, the authorized petitioner in behalf of the family of Mr. Cazeau, and his assignee, was in London in March last, (1816,) in quality of Chancellor of the United States Consulate at that place, when his claim was presented to Mr. Adams, the American Minister at that Court, and who was at the same time informed that Francis Cazeau was then dead, leaving a wife and children in Paris in total poverty, who were then, and for eighteen years before had been, subsisting on the benevolence and charity of a Mr. Corbeaux, the brother-in-law of Cazeau, who was himself in rather indigent circumstances, and to whom Cazeau, in his lifetime, as a retribution for his generous support of himself and family, had made an assignment of part of his claim, and a power for the recovery of the whole; that Mr. Cazeau's advanced stage of life (being upwards of ninety years of age when he died) prevented him from crossing the Atlantic to prosecute the claim.

Mr. Adams referred the business to the Consul, for him to put it into the hands of some fit person, to be presented to Congress; and the petitioner was selected as that agent.

This claim has been revived, from time to time, as far as it was in the power of Mr. Cazeau to revive it, as your committee are induced to believe that it has been regularly presented to the attention of every American Minister at the Court of France since the Revolution.

From a view of all the circumstances attending this case, and a thorough and patient investigation of the voluminous documents and memoir presented with this claim, a brief sketch of which is here presented to the Senate, the committee are of opinion that Francis Cazeau was a meritorious and useful friend to the cause of the American Revolution; that he consumed much of his property to aid the establishment of our independence; and that his firm adherence to the United States in that arduous struggle was the cause of his being reduced from the greatest affluence to the extremest poverty. They are further of opinion that Mr. Cazeau was solicited by the old Con-

*Mr. Jefferson, Mr. Monroe, Mr. Howell Mr. Henry.

Losses sustained during the Revolution.

gress, and by their authorized agents and officers, to give his aid and influence in their favor, and that he was promised by the then ruling powers of the country, and was by them impressed with a full conviction, that whatever pecuniary losses he might sustain in their service should be reimbursed, and that the Government of France guaranteed the indemnity.

Your committee do not consider themselves authorized to allow the claim to the great extent in which it has been stated by Mr. Cazeau, as they are not sure that it would be proper to allow some of the items charged; but they have no hesitation in saying that, in their opinion, the claim ought to be allowed to at least the amount stated by Mr. Barber in July, 1785, under the sanction of Congress in 1784 and 1785, together with interest from that time. They therefore submit the following resolution:

Resolved, That the Committee of Claims be instructed to report a bill authorizing the payment of forty-two thousand seven hundred and thirty-seven dollars and ninety-seven cents to the legal representatives of Francis Cazeau, late merchant at Montreal, or to his assignee or attorney, or other person lawfully constituted and empowered to receive the same.

STATEMENT.

March, 1777.	8,000 minotos (bushels) of wheat	\$8,000 00
May.	Three boats loaded with brandy, wine, and clothing	4,000 00
1778, '79 '80.	For advances to gain intelligence	276 64
		<hr/> 12,276 64
	Interest on \$12,276 from 1777 to present time (say 40 years)	29,463 60
	Expenses and commission charged on wheat	2,633 30
	Expenses and commission on the boats loaded with wine, brandy, and clothing, &c.	1,404 43
		<hr/> 45,777 97
Feb., 1783.	Cash received on above account	\$1,000 00
	Interest on same to present time (say 34 years)	2,040 00
		<hr/> 3,040 00
	Balance due representatives of Francis Cazeau	<hr/> \$42,737 97

Recapitulation of the whole claim of Francis Cazeau, as stated by himself in 1807, (November.)

Government of the United States of America to Francis Cazeau, (late merchant at Montreal.)

Dr.

1st head. Supplies for the American Army and other expenses included

in an account settled by William Barber, Commissioner appointed by Congress, according to his report thereof, 27th July, 1785, - - - - \$15,314 45

2d head. Effective disbursements during the seven years of the independence war, say from 1775 to 1782, inclusively, in my capacity of political and secret agent, acknowledged by the Governments of the United States and of France, and further disbursement in procuring the evasion of American and French prisoners - 59,814 81

3d head. Losses sustained, either by confiscation of my property in Canada by the British Government, or by the plunder of my warehouses during my imprisonment, in consequence of the active part I had taken in the political affairs of the United States, after the express solicitations to that purpose which were made to me by the general officers and legal powers of the Government of the said United States, as also by the general officers commanding the French forces in America, and upon the faith of the solemn promises made to me at the same time, both in the name of Congress and in that of the King of France, of a full indemnity for any such consequences that might result from my so doing - - - - 352,977 59

4th head. Indemnity for the loss of my commercial establishment, and for the utter dissolution of my fortune, which resulted from the vengeance exerted upon me by the British Government, in consequences of the services which I had rendered against that Government to the Congress of the United States - - - - 296,296 30

5th head. My pay on the footing of a Colonel of the United States service during seven years of activity, with five years' retreat allowed to all the American officers after the end of the war, and the grant of lands made to each officer of that rank - - 11,600 00

6th head. Extraordinary expenses occasioned to me by twenty-four years' solicitation towards obtaining the settlement and payment of what is due me from the Government of the United States - - - - 8,888 89

7th head. Interest of sums advanced, and of others withheld from me by the Government of the United States of America; the said interest calculated up to the 31st December, 1807, at the rate of six per centum per annum, being the legal rate of interest - - - - 2,056,359 44

\$2,801,251 00

Commissariat for the Army.

A COMMISSARIAT.

WASHINGTON Dec. 16, 1816.

SIR: In reply to your communications relative to the supply of rations to the Army, I have the honor to state—

1st. I have not a doubt but a well organized Commissariat would insure a safer, a cheaper, and in every respect a better supply than the present system of contract; nor have I heard of a doubt upon the subject, excepting only, as to the expense.

Upon this point it may be remarked, that most of the contractors have made very handsome profits, and many of them indeed great fortunes, under contracts apparently reasonable.

Contractors are in the habit of employing an agent for each post, and in some cases confiding to sub-contractors the supply of particular departments or posts.

It is not likely that a man of business, who is honest and discreet, would bid off the contract without a pretty certain prospect of profit.

Could the Government find no man to place at the head of the Commissariat, as well qualified to superintend the supply of rations, as one of the late contractors, or none equal in honesty, industry, and capacity, to the late agents of the rich contractors; in this case the contract system should be preferred.

If a contractor can make a clear profit, the public, by the Commissariat, may do so likewise, and, therefore, the latter will be the cheaper mode of supply.

The public would, in this case, save the exact amount which, under the contract system, would fall into the hand of contractors. But even, supposing the contract to be bid off at too low a rate, to enable the contractor to make any clear profit; supposing the contractor to be actuated alone, in the supply of rations to the troops, by the purest patriotism, without the prospect of making money, still the Commissariat would be preferable; because, a contractor, having no possible prospect of making money, would be constantly embarrassed with the apprehension of losing money—and in every purchase he would see before him the wretched alternative of selecting the cheapest, and consequently the worst provisions, or being involved in bankruptcy and ruin.

The choice of these evils can readily be imagined. It is a choice, as most officers who have had separate commands, can testify, that has imposed upon our troops the cheapest and coarsest provisions; and which have, on many occasions, been so much damaged as to sicken and kill hundreds of our men.

Upon this subject, I beg leave to call the attention of your honorable committee to the official reports and returns of the Army, stationed at French Mills, in the Autumn and Winter of 1813, to February 1814; by which it will be seen that out of about — men — were sick at once, and that from the 18th November to the 1st February, there were — deaths; and I feel

warranted by the reports of the medical staff, particularly those of Doctors Ross, Lovel, and Woodbury, as well as by my own observation, in saying, that for the most part the diseases and deaths at that place proceeded from the damaged provisions which the troops were compelled to eat, or to eat nothing.

The suffering of the troops, from a similar cause, at many other places, during the war, were not much less severe than at French Mills; insomuch, that I have not a doubt that we have lost more men by disease, contracted principally in the use of bad provisions, than we have lost by the fire of the enemy. Besides, the military system which comprehends individuals not subject to military law, and under positive control of the commanding officer of an army, is radically defective, and calculated to paralyze a military body. An army, immediately dependent upon any other, except the single military head, is a monster; and although its native prowess may often force it, with all its deformities to victory; yet, to make victory more sure, the immediate military head should command the whole strength and resources immediately connected with the army under him.

The supply of rations is vitally important to the very existence of an army; it is infinitely more so than the supply of clothing, of pay, or even of arms or ammunition.

An army could, by sudden changes of position, preserve itself for weeks or months without the latter, but the most patriotic band could not be kept together for more than a few days without rations. Should any officer of the Ordnance department attempt to palm upon the Army damaged powder or even damaged flints, surely no man could doubt the propriety of prompt military punishment for such an offence; and yet, under the present system, damaged rations have been forced upon the troops, and many of them thereby sickened and killed, without any remedy being provided against contractors, save only the miserable farce of an action upon the case.

It is true, under the contract system, damaged provisions may be refused and destroyed, and the General may order the Quartermaster, upon the failure of the contractor, to purchase the proper supplies.

These regulations look very well indeed upon paper. They seem to afford reasonable security against the evils which they were intended to obviate. But what are they in practice?

The General requires the contractor to furnish twenty days' complete rations for ten thousand men, at a given point upon the frontier. The contractor reports the supply deposited at the place and time appointed. The army arrives near the enemy; every officer and every man is necessarily occupied in preparing for action. In the mean time, it is found, in reviewing the provisions, that a great portion of them are damaged. The inspection takes place, and the provisions are condemned, and the army left destitute.

The General will probably be compelled either

Naval Depot on the Chesapeake.

to make a premature effort to bring on an action, be beaten, or make a disgraceful retreat, or he must endeavor to subsist his army upon damaged rations. The troops are dispirited, sickened, and many of them desert—and yet, the contractor is screened from military punishment. He abandons his contract whenever he finds it to be unproductive of gain. The Quartermaster is then compelled to leave his regular duties, and, without due time, or any previous arrangements, to avail himself of the best markets, and in a country where little can be got at any price, he is obliged to purchase such supplies as the country will at once afford, and is often compelled to give any price which a knowledge of the pressing calls of the service may induce the avaricious seller to demand.

2d. The organization of the Commissariat should be as follows:

The chief should have the rank, pay and emoluments of the Adjutant and Inspector General, and be stationed at the Seat of Government. Next to the chief there should be attached, to each division of the Army, a Commissary General, with the rank, pay, and emolument of the Adjutant General; also, an assistant for each department, with the rank, pay, and emolument of an Assistant Adjutant General, and for each post an issuing commissary, with the rank, pay, and emolument of a lieutenant.

Candidates for the appointments should be required to exhibit to the Department of War proper evidence of character and qualifications, and be appointed and commissioned in the same manner, and take the same oath, as officers of the line of the army, and enter into bond, with approved security, for the faithful performance of their duties.

The rank of these officers should in no case entitle them to command in the line, except when specially ordered thereto by the commanding General. Rank, however, should be given them, because without it they would often be subject to the embarrassing control of young inexperienced officers, and would fail to command, in the lower grades of the Army, that respect which rank is necessary to produce.

The chief of the Commissariat should have the control of the officers and other persons employed in the department. And, under the direction of the War Department, should superintend the purchase and supply of rations, &c.

It should be the duty of the Commissaries of divisions and departments to make all purchases of the component parts of rations, and forward the same to such place and in such quantities for issue as the general or officer commanding the departments may direct, respectively, and to make unexpected visits to the different posts, inspect the provisions, and regulate the issues, the accounts and abstracts.

The purchasing as well as the issuing Commissaries to be required to make monthly as well as quarterly statements of the amount of cash received and expended, the quantity of provisions purchased, and the quantity issued since last re-

turn, as well as the quantity and quality of the provisions on hand. These statements to be certified upon honor, and forwarded to the chief of the department, and a duplicate thereof sent to the general or public officer commanding. They will, moreover, be required to render quarterly accounts in such form as may be prescribed by the War Department.

In this way the state of the supplies and accounts of each officer of the Commissariat will be distinctly understood monthly, and quarterly, by the chief of the department; who, possessing the power to arrest or suspend any delinquent, would prevent or promptly detect every irregularity. But the most effectual check will be found in the general officers commanding divisions, departments, and principal posts, who, in addition to the power to arrest and try officers, should be authorized to receive from them all public moneys, and supply the place of such delinquent officers by temporary appointments until the casual vacancies should be filled.

It is the duty of the inspector, to inspect the troops and supplies of each post and corps, once in two months—in addition to this he may be instructed to inspect the provisions, particularly as to quality and quantity, and compare the same with the monthly report of the Commissariat, and in all cases of neglect or omission on the part of such Commissary, he will be punishable by the sentence of a general court martial.

It seems to be admitted by all that in time of war the Commissariat would be decidedly preferable to the contract system.

This I consider to be a conclusive argument in favor of the immediate adoption of the measure. If any branch of military knowledge is necessary for a state of war, its practical introduction in time of peace cannot but be proper, if it be practicable. The Commissariat particularly should be organized and put into operation in time of peace.

I have the honor to be, &c.,

EDMOND P. GAINES.

HON. JOHN WILLIAMS,

Chairman of the Military Committee.

NAVAL DEPOT ON THE CHESAPEAKE.

Copy of Commodore John Rodgers's letter to the Secretary of the Navy, relative to a Naval Site and Rendezvous on the waters of Chesapeake Bay.

NAVY COMMISSIONERS' OFFICE,

December 23, 1816.

SIR: Having, in company with the other Commissioners of the Navy Board, examined those places designated in your letter of the 7th May last, for the purpose of reporting, through you, for the consideration of the President of the United States, the opinion of the Navy Commissioners as to the means most proper to be adopted for the defence of Chesapeake Bay in time of war; it is a source of unpleasant reflection, not

Naval Depot on the Chesapeake.

only to myself, but I am confident equally so to the other Commissioners, to find, on comparing our opinions, that we do not entirely agree as to the mode by which this truly important object might, most probably, be accomplished. I regret this the more from the persuasion, that it would have been more agreeable to you, and more satisfactory to the President, had we found all the data upon which we might have formed a correct estimate, of such positive character as to admit of no diversity of opinion. As, however, different opinions are entertained by the members of the board, we have judged it best that each member should make a separate report; trusting that from these conflicting opinions, and the facts and arguments adduced in support of each, the best means of obtaining the highly important object in view may be elicited.

I proceed, with respectful deference for the opinions of my brother Commissioners, to submit those views of this important question, which the most attentive consideration and anxious investigation of facts have produced in my mind.

From the distance between the nearest points of the Middle Ground and Horse-Shoe, the great depth of water between those places, and their exposed situation to the mountainous waves, rolling in from the Atlantic ocean, unobstructed, during the prevalence of south-easterly gales, I incline to the opinion that it would be extremely difficult, if not impracticable, to erect batteries, at any cost, however great, that would resist the tumult of the whole Atlantic ocean drawn as it were to a focus, by the peculiar formation of the coast at that point.

In another view, such an attempt might be hazardous; for it may be seriously questioned, whether the erection of batteries in that part of the channel of Chesapeake Bay which is the *most confined*, would not produce a new channel through that immense bank of sand, the Middle Ground, thereby changing the course of its waters, rendering the batteries wholly useless, and subjecting the navigation of the bay to destruction at its very confluence with the Atlantic ocean. A new channel, thus formed, would necessarily displace immense deposits of sand from the Middle Ground, and thereby, most probably, to the destruction of the navigation, complete the bar that nature has already more than two-thirds finished, across the entrance of the bay.

For these reasons, the erection of batteries between the Horse-Shoe and Middle Ground, appears to me, if not impracticable, at least unadvisable.

I will now examine the navigation from Cape Henry to Hampton Roads, and thence to Norfolk, for the purpose of demonstrating, by unquestionable facts, how far Norfolk unites the advantages essential to the purposes of a great naval rendezvous and depot of maritime stores.

As an outer harbor, Hampton Roads is easy of ingress and egress to ships of every class. At its entrance from the bay, by erecting a formidable battery at Old Point Comfort, and another at the distance of one mile, on the shoal of Willoughby's

Point, it might be so far defended as to prevent a hostile fleet, however formidable, from attempting to enter it without having in view the accomplishment of some great object. On ordinary occasions, the risk which an enemy would then incur, from an attempt to enter Hampton Roads, would no doubt be sufficient to deter him; but an object worthy of the risk might present itself—and, in such case, an enemy availing himself of the most favorable wind and tide, might attempt it, and would probably succeed. Passing these batteries, as he might do under such circumstances, with a velocity equal to fourteen miles an hour, the effect of the batteries would be rendered very uncertain, and he would be in their reach only eight minutes seventeen seconds! Should he succeed in entering the road, he might anchor in various situations, from four to four and a half miles, in every direction from the shore. My own personal observation enables me to add, that during the prevalence of the north-easterly gales, particularly in the Winter season, Hampton Roads is subject to a very heavy sea, which may be ascribed to its great width at its entrance, and its exposure to the N. E.

As an inner harbor, Norfolk may be easily defended both by land and by sea; and there is in its vicinity an abundance of good timber. These are great advantages; but, from the difficulty of getting in or out of Elizabeth river, arising from the narrowness of the channel in many places, and the various courses necessary to be steered, (from W. N. W to E. N. E. points directly opposite) before you reach Cape Henry, added to a shoal at its confluence with the waters of Hampton Roads, on which there are only twenty feet eight inches at low water, and not more than twenty-four feet two inches at high water, during the prevalence of neap-tides—and at no time, excepting the Spring-tides, more than twenty-two feet at low, and twenty-five feet at high water, present to my mind insuperable objections to Norfolk as a navy-yard, particularly when it is recollected how imperfect and insecure Hampton Roads would be as an outer harbor.

I will now proceed to state the advantages and disadvantages peculiar to York river, considered as a place for a naval rendezvous and depot of naval stores—below Yorktown as an outer, and above it as an inner harbor.

The lower part of York river being, at its mouth, only one mile wide, and three quarters in breadth, from shore to shore, and the channel only about fifteen hundred yards from flat to flat, and affording, as it does, a safe navigation at all times, and in all seasons, for ships of the greatest draught of water, is, in my opinion, suitable for an outer harbor. With the aid of land batteries, an inferior may be defended against a superior force of ships. Like Hampton Roads, however, it is subject to a rough sea during the prevalence of easterly gales; but in this river that advantage is greatly diminished by the fact, that with any wind that would make this anchorage objectionable, or that would enable an enemy of superior force to approach you, (supposing this place not

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to be fortified,) you can, with perfect security and ease, get under weigh and run into the inner harbor, above the batteries at Yorktown and Gloucester.

As an inner harbor and Naval Depot, York river, above Yorktown, does not combine every advantage desirable, not having any basin or deep bay in which ships could be sheltered from the draught of the river, and there not being an abundant supply of timber immediately in its vicinity.* It has, however, every other essential requisite, being completely susceptible of defence against a land or naval force, and affording at all times, and in all tides, an easy and safe navigation to ships of the greatest draught of water—there being, for at least ten miles above Yorktown, where the river is actually only nine hundred yards wide from shore to shore, nowhere less than six fathoms of water.

Another very prominent fact, in relation to the outer harbor of York, more than counterbalances the objections stated. From that harbor ships passing up and down the Chesapeake Bay, are exposed to full view; indeed, the moment a ship enters the bay, you can discover her. You would there have the advantage of watching the movements of an enemy from a safe harbor. If he comes with a force too formidable for you to resist him in that position, you can retire—the same wind that enables him to approach you, would enable you to retire to a place of safety. If circumstances would justify your attacking him, you might do so, with the advantage of having the earliest intelligence of his approach.

Hence, although York river does not possess every advantage that could be desired, as respects either its inner or outer harbor, it does, in my opinion, unite more of the essential requisites than nature has bestowed on almost any other place. From its particular situation (which the chart will show) when aided by a naval force, it is the only point deserving the name of the key to the Chesapeake Bay.

I proceed now to examine St. Mary's river.

This river is situated on the north side of the Potomac, about seven miles above Point Lookout, the next above Smith's Point, with which it forms the entrance into the Potomac. By some it is urged that this place, as respects salubrity of climate, is preferable to either Norfolk or York. As a safe and commodious harbor, it is, perhaps, not excelled by any in the United States. At its entrance it is about three miles wide, and the water is thirty-two to thirty-three feet deep; for three and a half to four miles up, its width gradually decreases, until you pass two projecting points at opposite sides, within which the depth at low water is about twenty-four feet—and the river from point to point about half a mile; from this to a place about two miles further up, the

river is, by two other projecting points, diminished to about five hundred yards in width, presenting above those points a beautiful basin, in which there is, near the entrance inside, twenty or twenty-one feet at low water.

This river above, where it is perfectly susceptible of defence against a naval force, presents in several respects the most seducing reasons for its selection as a Naval Depot and rendezvous. But situated as it is, in a narrow peninsula, having the Patuxent on the one side, and the Potomac on the other, the protection of such an establishment would be attended with great expense. To protect it against a land force, it would be necessary to erect strong batteries, and the annual expense of maintaining an efficient garrison in them would be very great.

Such an establishment should not only be able to protect itself, but it should afford the means of protecting our own commerce in every part of the bay. This latter advantage, I am inclined to think, is not possessed in a superior degree by St. Mary's, owing to its great distance from the sea, (ninety-five to one hundred miles,) neither do I think that in the present infant state of our country it could effectually protect itself against a land force, since even above the line of defence, where the batteries would necessarily be situated, the peninsula is so narrow that a superior land force might so occupy it, as to cut off all communication in the rear, thereby endangering the safety of the adjacent country; while at the same time a superior naval force, from the safe anchorage afforded, might not only cut off all communication in front, by his large vessels, but his smaller vessels might destroy every merchant vessel of ours attempting to pass up to Washington or to Baltimore.

The facts stated being all that occur to me as essential in deciding that question of locating a Naval Depot and rendezvous, I now proceed respectfully to submit my views as to the best means of defending the Chesapeake Bay generally. I assume the preliminary position, which I presume will be readily accorded to me, that in the present infant state of our country, our preparations to meet a war should be conducted with a view to measures of defence, as well as offence.

Two small but strong martello towers, between the eastern extreme of Lynnhaven Bay and the mouth of Lynnhaven Creek, would prevent an enemy from anchoring between those two points; and his exclusion thence would, as you will perceive by the chart, deprive him of any other safe anchorage nearer the mouth of the bay than New Point Comfort.

A strong battery on Old Point Comfort would keep him out of Hampton Roads; and two martello towers at the mouth of York river, would prevent his anchoring in that situation, while, at the same time, they would serve to protect it, as an outer harbor and general rendezvous for our marine force assembled in the Chesapeake Bay in time of war.

* Although it would be an advantage if York river had a basin, or deep bay, to shelter ships from the draught of the river, yet its not having that advantage is not to be considered as constituting any serious objection to the river.

York river, fortified at Yorktown, would afford security to that important tract of country through

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which it passes, and secure a Naval Depot higher up the river. The place where I consider it advisable to locate such an establishment is called the Clay Banks, and is about ten miles higher up than Yorktown.

While a battery at Old Point Comfort, and two martello towers at the mouth of York river, would keep an enemy from Hampton and York, they would, with the aid of a suitable naval force, prevent his attempting to take shelter in a situation so near as New Point Comfort. Hence, being shut out of Lynnhaven Bay by the two towers proposed in that quarter, he would be deprived of all the safe anchorage near the entrance of the bay.

The importance of depriving an enemy of anchorage in Lynnhaven Bay, is fully established by the fact, that it is a position more dangerous to our commerce than any that could be occupied by any enemy within the Chesapeake Bay; and if the importance of depriving him of all safe anchorage near the entrance of the bay, be, as it appears to me, too obvious to admit of a doubt, then the propriety of erecting towers and batteries at the other places suggested, must necessarily be conceded.

It will, I presume, be readily admitted, in devising the most efficient means for the protection of the Chesapeake Bay, that the mouth of the bay should claim the first attention, since if you can succeed in protecting that point effectually, you afford protection to all points above it. The measures which I have had the honor of suggesting, have had this great object in view.

Allow me, sir, to request your attentive examination of the chart submitted. A reference to that part of it which embraces York Spit, and what is termed the Head of the Middle Ground, will, I think, satisfy you of the great advantage which a respectable naval force, stationed at the mouth of York river, would possess; and that such a force, co-operating with the towers near Lynnhaven Bay, the battery on Old Point Comfort, and the towers of York river, proposed, would in all probability, protect the whole commerce of the Chesapeake Bay.

With respect to the Tangier Islands, I have considered it unnecessary to say anything; particularly as the report and chart made by Captain Spence, afford more information than any personal observation of my own would enable me to communicate.

I have the honor to be, with great respect, sir, your most obedient servant,

JOHN RODGERS.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

N. B. Some difference of opinion probably exists, as to the practicability of defending, against a land force, a navy yard situated on the Clay Banks. I cannot, however, persuade myself to entertain any doubt upon the subject, since the land is there as high, if not higher than any other within reach of cannon shot. There are moreover two large creeks, Aberdeen and Jones's, that

discharge their waters into York river, on each side of the proposed site, about one mile distant from its centre, by which, without any extraordinary labor or expense, the whole establishment might be insulated; and the measure by which this desirable protective effect would be produced, would furnish an ample supply of water for all the purposes of labor-saving machinery.

For further particulars relatively to the advantages of this place, permit me to refer you to the following extracts of Captain Sinclair's report:

"The mouths of these two creeks are two miles apart, but before they flow half a mile there are two branches approaching each other, within a quarter of a mile, where, after the creeks are dammed below, a canal might be cut which would insulate the place, and add greatly to its security in the rear. Indeed, it appears to be very capable of being defended by a moderately small force. The channel does not exceed a quarter of a mile in width, and is overlooked by an eminence of 30 feet for a mile or two below. The country is said to be healthy; indeed, judging from its inhabitants, I should pronounce it so. The land is generally fine, and well timbered with white oak, yellow and pitch pine, and some cedar, though not in abundance."

JOHN RODGERS.

Copy of the communication made by Commodore Stephen Decatur, in relation to the defence of the Chesapeake Bay, and the selection of a site suitable for a Naval Depot.

NAVY COMMISSIONERS' OFFICE,
January 2, 1817.

SIR: In obedience to your call of the 16th ultimo, on the Navy Commissioners, requiring a report of the late examination and surveys made under their direction, in pursuance of your instructions of the 7th May, I enclose you a statement of such facts as I have been enabled to collect upon this important subject. From the diversity of opinion which we have found to exist between us upon this important subject, we have deemed it most satisfactory to give in separate reports. This diversity was, perhaps, to have been expected, in a case presenting so wide a range for observation; and I trust we shall not be considered as too tenacious of our individual opinions, when it is recollected that this question involves the safety of the Navy, and the protection of the extensive shores of the Chesapeake.

The first examination required by your order of the 7th, is to ascertain the most proper mode of defending the Chesapeake in time of war.

In giving my opinion upon this head, I beg leave to be understood as disclaiming all knowledge of the expense of constructing fortifications, for particular estimates of which I beg leave to refer you to Lieutenant Colonel Bomford, of the engineers, who accompanied us on the survey. The Chesapeake Bay can be defended from a superior hostile fleet only by fortifications sunk at some point of the channel, and the point nearest

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the ocean susceptible of defence, is obviously the most proper. The channel of the bay at the Capes, navigable by ships of a large class, is four miles and three-quarters wide, depth of water generally from ten to fifteen fathoms. The sea, at this point, being uninterrupted by shoals in its roll from the Atlantic, would, in my opinion, render fortifications utterly impracticable. Ascending the bay from the Capes, the channel branches at the Horse-Shoe, one branch passing into Hampton Roads, the other leading up the bay itself. That branch of the channel which leads up to Hampton Roads, passes between two shoals; that on the south side, called Willoughby's, and distant from Old Point Comfort about two miles and a quarter, has eight feet water on it; the one on the north side is called the Thimbles, and is distant from Old Point about three miles, and has nine feet water on it; they are about a geographical mile distant from each other. The other branch of the channel (that which passes up the bay) has a width between the Horse-Shoe and the Middle Ground of four miles, and the depth of water for three-fourths of this distance does not exceed four fathoms and a half, being nowhere more than eight fathoms.

The bottom, from a number of experiments, appears to be a solid and closely compacted sand, protected from the heavy sea of the Atlantic by the shoal of the Middle Ground, which stretches many miles to sea, and on which its violence is expended before it reaches this channel. If the Chesapeake be susceptible of defence at all, it is my opinion this is the only point at which it can be defended. The channel at every other place, above or below, being much wider, and of much greater depth, and that works, judiciously constructed, between the tail of the Horse-Shoe and the Middle Ground would be permanent, strong evidence is furnished by those extensive works which form the harbor of Cherbourg—works constructed on a sand, unprotected by shoals without, where the sea is as violent, the tide infinitely stronger, and its perpendicular rise upwards of forty feet.

You will perceive, sir, that, in considering the subject of defending the Chesapeake generally, I have included the defence of Hampton Roads, not *only* as an arm of the bay, nor on account of the objects of spoil, to which the banks of its rivers invite an enemy, but with reference to the other inquiry of a naval depot, to which I shall presently call your attention. In relation to the defence of Hampton Roads particularly—if the defence of this place were the exclusive object, there is another position for the purpose, which would probably be preferable, which is Old Point Comfort, and the opposite shoal, called the Rip Raps, which are less than one mile distant. I beg leave to refer you to the report made upon this subject by Colonel Bomford, merely noticing, "that I understand it was made out before it was discovered that the water on Willoughby's shoals and the Thimbles was so shallow, or that those shoals approached so nearly together as they do." I will now further add the author-

ity of General Bernard's opinion, "that any distance, not exceeding one mile, may be so fortified as to be rendered impassable.

If, in addition to powerful works placed at the entrance into Hampton Roads, we add, that part of the naval force, already contemplated, which will probably be stationed within the Roads, the only inducement a hostile fleet could have to attempt passing heavy batteries, so moored as to aid in obstructing the enemy's passage, and sufficiently near to be sustained by the forts, in the event of their passing, I do not believe it will ever be attempted. Let us suppose Hampton Roads thus fortified, and our naval depot, as well as our fleet, drawn within those defences, what inducement would remain to an enemy to attempt a passage up the bay? The destruction of our fleet and our depot would be their first object; their second would be, to prevent our fleet from getting to sea: either of these objects would keep them necessarily in the vicinity of the Roads. The pillage of the shores of the Chesapeake and its waters would be the only remaining inducement for a cruise up the bay—an inducement too trifling to permit the belief that they would abandon for it the important objects that they would leave in the neighborhood of Hampton Roads; and more particularly when their passage up the bay is opposed by batteries stretched across the channel at the Horse-Shoe and Middle Ground, and with a fleet, too, in their rear, ready to act, in the event of their receiving such injury, as is more than probable they would receive, in passing such works. The non-existence of any object of sufficient importance to invite an enemy up the bay, under the arrangements already stated, would render it unnecessary to have works between the Horse-Shoe and the Middle Ground as numerous or as strong, by one half, as would be otherwise requisite. And it is my opinion, that the bay and Hampton Roads are susceptible of permanent and complete defence, by works erected at the points proposed, and the same works be made to serve for the defence of both; whereby the whole expense of fortifying the Naval Depot would be saved, as well as the expense of keeping up garrisons. What the expense of such works would be, I am incapable of saying; but I am satisfied that the cost to the nation of defending the shores of the Chesapeake, for one single war, would greatly surpass what would be requisite to erect a permanent defence of the bay; and when we connect this with the debasement of permitting the enemy to make a home of our waters, the consideration of any warrantable expenditure can scarcely be thought to oppose an obstacle to the establishment of any works which may be determined to be practicable.

I come now to the location of the Naval Depot; and, on this point, there are a few simple principles which seem decisive of the inquiry. A Naval Depot should possess a sufficiency of water; it should be contiguous to the ocean, otherwise the Navy could not render that prompt protection to the coast which comprises the greater

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part of its utility; it should also be connected with the means of supplies of timber and naval stores, which no posture of war could cut off or interrupt: these are qualities of the first magnitude.

There are other advantages, not indeed so indispensable, but still of a very high character, and which would be extremely fortunate to find with the qualities of primary importance already mentioned; such for example, as a populous neighborhood, from which supplies of labor and provisions might be commodiously drawn, and which would be at hand to give support to the depot in the event of a sudden attack; another of these incidental advantages, is a large, safe, and well defended outer harbor, into which the ships, when built, could be drawn and manœuvred without the hazard of exposure to a superior enemy.

Hampton Roads, which I consider the outer harbor of Norfolk, is eighteen miles from Cape Henry. Ships can enter or proceed to sea from it, with the wind from any quarter. It furnishes excellent anchorage, and has sufficient room for a fleet to manœuvre in under sail—an advantage which no other harbor, that I know of, possesses. The distance from Hampton Roads to the navy yard at Gosport is twelve miles, and the shoalest water found in the river at ordinary high tides, is twenty-five feet. This depth is more than is sufficient for the seventy-fours we now have. You will find on the file in your office that the pilotage paid for the *Independence*, (seventy-four,) when she sailed for the Mediterranean, was twenty-four feet. The ships now building, although of great capacity, will not draw so much, by six inches. The present defences of Norfolk are, in my opinion, sufficient to protect it from any naval force that can be brought against it.

It will be recollected, that during the late war, the enemy considered it absolutely necessary to get possession of Craney island, before they could pass up to Norfolk with their shipping; in consequence of which, a combined attack by their boats, and a considerable land force, was made on Craney island. The attack was repelled by a few pieces of cannon placed upon the sand, since which time it has been regularly fortified. All the approaches to Norfolk and the navy yard by land are interrupted by water-courses, and lead through swamps. Both places, with the exception of about two hundred yards, are insulated by creeks, unfordable by reason of the deep mud. These creeks can be, and I believe have been, connected by military works; nor is there any higher ground than that on which they stand, within cannon-range of either place. It is the opinion of military men, who have commanded there, that they are particularly well situated for defence against an attack by land.

From Craney island up to the navy yard, (which I consider the timber harbor,) is six miles, in which space thirty sail-of-the-line may lay with perfect convenience; and it is at all times so smooth as not to interrupt the ordinary work or repairs that may be required. From Norfolk to Hampton

Roads, large ships cannot sail when the wind is ahead, in consequence of the narrowness of the channel; but if warping anchors, with buoys, be laid down in the channel, (as is the case in all men-of-war harbors that are close,) ships can, with any wind, be warped into the Roads.

The harbors of Malta and Port Mahon, which are considered two of the best harbors in Europe, can only be left or entered, when the wind is adverse, by warping. The navy yard at Norfolk comprises within its walls a square of about twenty acres, one side of which lays upon the channel of the river, at which sixteen sail-of-the-line can be laid up in ordinary, if they are brought to the pier, end on, as is practised at the naval arsenal at Antwerp.

The navy yard, in its present state, furnishes as many conveniences for building or fitting out as any yard in the United States—two hundred thousand dollars at least having been already expended by the public in valuable improvements. The neighborhood furnishes abundance of oak and pine timber suitable for naval purposes, and also naval stores, a supply of which cannot be cut off by a blockading enemy. The advantage it possesses in consequence of its vicinity to a commercial city would be considerable, both as it regards the numerous mechanics and seamen that are to be obtained there, and the protection a large population would afford, in the event of a sudden attack. The climate of Norfolk is, I presume, similar to that of the shores of the Chesapeake generally on tide water.

I will now proceed to the examination of York river. From Cape Henry light-house to Gloucester town, which is the first point on York river that could be rendered sufficiently strong to prevent the passage of a hostile fleet, is thirty-two miles. Ships can enter or proceed to sea from it with all winds. The distance from Gloucester to the Clay Banks, the place contemplated for the Navy Yard, is seven miles, and the depth of water is sufficient for any ship at all times of tide. It can unquestionably be defended against any attack by water. It is at present entirely unprotected by any fortifications. From the best information I have been enabled to collect, I am induced to believe that there are several rivers putting in from the Bay navigable for light craft and boats, and approaching within eight or nine miles of the Clay Banks, where a debarkation of troops might be effected. Of the nature of the intervening grounds I am unacquainted. The site selected as the best in this river for a Naval Depot forms at present part of the bed of the river, and no vessel drawing ten feet water can approach the bank nearer than a quarter of a mile. As the bottom is mud, it is probable that it will be found necessary to drive piles for the foundation of the Navy Yard, and the whole yard must of course be composed of artificial or made ground. There is a creek on each side of its heading, about half a mile in the rear, where they approach within about four hundred yards: at this point it is proposed placing the defences against a land attack. About eight hundred or a thousand yards to the right of this

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position and the contemplated depot there is an extensive range of heights that overlook and command them. In consequence of which, I am of opinion that this position cannot be defended from a land attack with a less force than would be competent to meet the assailants in the field. It is believed that a supply of oak timber may be obtained from the shores of York river; but pine, fit for naval purposes, and naval stores, must be drawn from a distance. A blockading force, in time of war, might prevent the transportation of them by water—the only means by which they could be obtained in any quantity. From the unusual straightness of York river, the mouth of which lies open to the bay, it is much more rough, with particular winds, than rivers of its width generally are.

With the wind blowing fresh up or down the river, I should apprehend that any repairs that would require working near the water would be interrupted. The inner harbor of this river, like that of Norfolk, cannot be left or entered when the wind is ahead, except by warping.

The next point embraced by your instructions is Tangier islands, lying about one hundred miles up the Chesapeake. From the survey and report of Captain Spence, the commissioners were of opinion that that place was totally unfit for a Naval Depot, and therefore did not proceed to examine it. For particular information respecting this place, I beg leave to refer to Captain Spence's survey and report.

As your instructions did not particularize St. Mary's, and not being apprized that my colleagues intended to examine that place, I was not present when they did so. It lies on the upper side of the Potomac river, near its mouth, and about an hundred and twenty miles up the Chesapeake Bay. I am unacquainted with the depth of water, the extent of the harbor, its susceptibility of defence against an attack by water, or the supply of naval stores or building materials in its vicinity.

From my want of local knowledge of this place, I can say nothing as to its particular advantages, and can only point out some prominent objections which present themselves. Its distance from the ocean I consider an insuperable objection to it as a Naval Depot and rendezvous, in consequence of the difficulty and detention our ships might meet with in going out or returning from sea. Another objection is, that the population for a considerable distance is so thin that it cannot afford sufficient succor in case of a sudden attack.

The river Patuxent lies a few miles higher up the bay than the Potomac, and approaches, where it is navigable for vessels of the largest class, within five miles of the rear of the harbor of St. Mary's. The harbor is everywhere surrounded on the land side by commanding heights, which are too numerous to be occupied and sustained, except by a large army; and, therefore, it would be necessary that a considerable land force should be kept there at all times, to insure its safety. Another very important objection is, that if the neighborhood does not afford sufficient supplies of timber, which I believe is the case, they might

be cut off in time of war by a blockading force. This place, as well as the harbors of Norfolk and York, from the narrowness of its channel, can only be left or entered, when the wind is adverse, by warping. Its climate is very similar to the climate of those places. There is an objection common to both York and St. Mary's, as the places of Naval Deposits, which has not yet been mentioned, and that is, that they both lie within the defences proposed to be raised from the Horse-Shoe to the Middle Ground. If you present to an enemy the combined attractions of your depot and your fleet, those works for the defence of the bay must be more numerous and strong, and consequently much more expensive; and it is for this, among other reasons, that I think it so much preferable to place both these objects behind the defences proposed to be established at the mouth of Hampton Roads.

Having weighed all the advantages and disadvantages of the several positions, it is my decided opinion that the present navy yard at Norfolk, independent of the protection it would afford the Chesapeake, is, in all respects, incomparably the best place for a Naval Depot, if Hampton Roads be properly fortified; and in that case I should consider it the finest harbor I have ever seen. The only objection to it, in its present state, is the mud-bar at the mouth of the river, over which our largest ships cannot pass at low water; which is a sufficient objection in the present unprotected state of Hampton Roads, inasmuch as any of our larger ships, chased into the Roads by a superior naval force at dead low water, could not pass the bar at the mouth of the river, and would, of course, be exposed to attack. The expense of the requisite buildings for a Naval Depot, at either of the other places, together with the fortifications necessary for the protection of them by land and by water, would, in my opinion, be much greater than would be necessary to fortify Hampton Roads completely. Should either of the other places be fortified, they would require a much larger force to garrison them, and would render no material aid in the general defence of the Chesapeake. Permit me further to observe, sir, that it is the unanimous opinion of the Board that the waters of the Chesapeake should, at some point or other, be the place of a Naval Depot and rendezvous. The mildness of the climate enabling the workmen to continue their labor throughout almost the whole of the year, and the geographical situation of the place, seem to me to fit it eminently for this purpose. It is near the centre of our coast and of our commerce; and that portion of the Navy which would be stationed there, would possess thereby a facility in defending both by the rapid movements it would be enabled to make; and I have no hesitation in expressing the opinion that, by raising the fortifications which I have proposed, and placing the depot near the ocean, the Chesapeake, at present the most vulnerable point of the coast, would become one of the strongest. It would become itself a defence to our seaboard.

The subjoined sketch of the waters in the

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vicinity of the Chesapeake, was furnished me, a¹ few hours' notice, by Mr. Adams, of the United States' Navy, who made the survey of the Chesapeake under the directions of the Board. The well known talents and precision of this gentleman, leave no doubt of the accuracy of his lines of bearing, distance, and soundings. You will perceive, sir, that I have drawn my facts relative to those points, from this document.

I have the honor to be, &c.

STEPHEN DECATUR.

Hon. B. W. CROWNSHIELD.

Copy of the communication made by Commodore David Porter, Commissioner of the Navy, in relation to a Site for a Naval Depot, and the best means to the adopted for the defence of the Chesapeake Bay.

NAVY COMMISSIONERS' OFFICE.

December 27, 1816.

SIR: In compliance with the call made by you of the 16th ultimo, and for the reasons set forth in the communication made to you by the Board, of the 24th instant, I have now the honor to send, for your consideration, facts, and my own opinions, in relation to the points to which you have directed the attention of the Commissioners of the Navy, by your communication of the 7th May last.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Hampton Roads, it is believed, could be fortified to advantage by means of batteries placed on Old Point Comfort, and on the shoal of Willoughby's Point, in fifteen feet water, and the distance between batteries so placed need not be more than one mile and a quarter. But until a fair experiment has been made as to the expense of erecting them—the effect of the latter on the shoals and channels, and whether it could resist the violence of the waves to which it would necessarily be exposed—I should not deem it advisable to undertake to defend the Chesapeake by erecting a line of batteries across the mouth of the Bay, as, by so doing, the risk would be incurred of expending uselessly many millions of dollars, of choking up the channel on one side, and of changing the navigation to the other; by obstructing the waters, and thereby causing them to ebb and flow in larger quantities, and with greater rapidity, on the north side of the mouth of the Bay, clearing away a passage for the largest ships, by the removal of the light, and almost floating sand on that side of the Middle Ground, where a safe and convenient channel already exists for vessels drawing sixteen feet water. A failure in the completion, or the ultimate destruction of the blocks, or islands, which must be sunk in the channel, for the purpose of erecting such batteries, would create dangerous shoals.*

and if perfect success should be obtained in the erection, it is quite problematical whether they would succeed at all times, and under all circumstances, in preventing the passage of a hostile fleet, or of securing to themselves the necessary supplies of provisions and water, when invaded by a powerful force. Therefore, for an uncertain object, I should consider it unadvisable to risk the destruction or injury of the present channel into the Chesapeake, and the opening of another that would require equal means to defend.

If Hampton Roads can be fortified, the Chesapeake Bay, in my opinion (which I submit with due deference) could be best protected by a moveable force, that can seek the protection of batteries placed there and at York river. The chart (not yet completed) of the survey made under the superintendence of the Commissioners, and the report of the surveying officer, will place you in possession of the distances, depths of water, and other facts that have produced this opinion, as well as of the information required by the examination of "Hampton Roads up to Norfolk." It, therefore, only remains for me to give my opinion as to the latter place for a Naval Depot. A want of sufficient depth of water, at all times, for the easy ingress and egress of the largest ships, I have always considered a strong objection to Norfolk as a great Naval Depot. The objection does not, however, exist to the extent I supposed. The minute examination which has lately been made, discovers more water over the flats, below Craney island, than was ever before found; but yet not of sufficient depth to float, at all times, ships of the largest class, with their provisions, water, and guns on board. Added to which, the channel is narrow, difficult to be found, and never to be passed, by ships of war, with a head wind. Under these circumstances, I can see no cause for changing the opinion formerly entertained; and will now add, that if a higher perfection in our naval architecture, or the increased size of our ships, should render a greater draught of water necessary, and our ships are not to be put into a state for service until their arrival in Hampton Roads; if they are then to receive their guns, their provisions, and their stores, from the Naval Depot; if Hampton Roads, instead of affording protection to the whole Chesapeake, is to answer only the purpose of protecting our inoffensive ships, the main object of a Naval Depot at the mouth of the Chesapeake, will be defeated, and the objections to Norfolk proportionably increased.

How far the fortifications of Hampton Roads may justify ships' dropping down there in a defenceless state will depend on experiments yet to be made, and on the extent of those experiments. It is now doubted whether one of our largest ships, under the most favorable circumstances, could steer through the narrow and crooked drain, which forms the channel over the flats, without grounding. The means, however, of determining this point are fortunately at hand, and it would not be difficult to make the trial. York river opposes no obstacles to the passage of the largest

* Engineers say it would require nine batteries, mounting from one hundred to one hundred and fifty guns each, to defend the passage between Old Point Comfort and the Middle Ground.

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ships as high up as the Clay Banks, which appears to be the most suitable place on that stream for a navy yard. It offers advantages in streams of water for labor-saving purposes, and may be protected from maritime attack by batteries placed at York and Gloucester points, and near the channel on the Oyster Shoals above, (which are bare at low water,) as well as on the shoalest part of York Spit; and the passage of an enemy may be retarded by means of booms, and other obstructions. The climate is said to be subject to the same diseases as those which prevail at Norfolk, and it is said to be liable to attack from Severn river. It has, however, this advantage over Norfolk, (in addition to its depth of water,) that ships can go to sea with most winds with which they leave the place named as most suitable for a Naval Depot. Captain Sinclair's reports and survey of York river will afford you further information on this subject. The Tangier islands were surveyed by Captain R. T. Spence—to that survey and the report which accompanies it, I beg leave to refer you for all the information I possess respecting them.

Commodore Rodgers and myself, on our passage down the Potomac, in conformity with your instructions, touched in at St. Mary's which is situated near its mouth. In point of healthiness of situation, security from maritime attack, and (I am informed) from ice, excellence of harbor, and the easy ingress and egress to an inner harbor, at all times, to ships drawing not more than twenty-four feet and a half of water, the advantages it offers by means of streams of water for labor-saving purposes, and its convenience to forests of fine timber, St. Mary's is, in my opinion, superior to any other place of which I have a knowledge on the Chesapeake for a Naval Depot.

How far its distance from the sea, and the necessity for concentrating a land force for its protection from an enemy (which may attack it from the Patuxent) may weigh against these advantages, or whether it may be considered a disadvantage to have so concentrated, in a healthy situation, a force which may easily be transported for a protection of other important points, or, in fine, (taking into consideration its central position, and the speed with which vessels may get to sea with a favorable wind, through both channels of the Chesapeake,) whether such objections should be considered disadvantages, I beg leave to submit to the decisions of Government: they involve military question of which I am not a competent judge. I shall merely observe, firstly, that whatever objections may be made to the distance of St. Mary's from the ocean, when we measure the sinuosities of the channel, we shall find the objection nearly as strong to Norfolk. And when we take into estimation the time required to sail this distance, we shall find the comparison in favor of St. Mary's: and secondly, that whatever objection may be made to the assemblage of a military force for the protection of St. Mary's, still stronger objections might be made to their assemblage from the distant parts of Virginia, for the defence of Norfolk. And the same

remark may apply to York. Norfolk has owed its protection to troops drawn from Richmond, which was thereby left exposed to attack. St. Mary's would be guarded by those from Baltimore and Washington, and placed in the most favorable situation to enable them to aid in their defence, as well as that of Richmond. The establishment of a Naval Depot at St. Mary's is not incompatible with the plan suggested for protecting the Chesapeake by means of a moveable force that shall seek the protection of batteries at Hampton Roads and York river. The protection of St. Mary's would depend greatly on that force, and the destruction of the Naval Depot, established there, would require a force (in addition to the one left to watch our fleet) proportioned to the protecting force stationed at St. Mary's; for it is not usual or prudent to leave an enemy unguarded in the rear, when he may be in a situation to avail himself of the advantages which a defeat might offer.

A superior enemy's fleet which could (by placing itself between the Naval Depot and St. Mary's, and our naval rendezvous at Hampton Roads) cut off all communication between them, could, by blockade, render both fleet and depot equally useless, were the latter at Norfolk. The command of our own waters, (the object for defending the mouth of the Chesapeake,) would secure to us an easy communication between our fleet and depot. And if this superiority is not to be obtained, our Naval Depot, placed wherever it may be, will not answer the end for which it was intended.

A Naval Depot at St. Mary's would afford a safe and commodious Winter retreat for our fleets, which experience has taught me cannot be found in Hampton Roads, and which I have reason to believe cannot be found in York river. It would, from its central and convenient situation, afford protection and convoy to the commerce of the whole bay, even were its mouth blockaded by an enemy's fleet; an advantage which could not be afforded by York or Norfolk. It would serve as a rendezvous for the light cruisers from Baltimore, where they could easily elude an enemy's blockading fleet, by availing themselves of the choice of channels; an advantage which York does not possess in so great a degree, and one of which Norfolk has been found to be entirely destitute. The blockade of the mouth of the Chesapeake would constitute the blockade of Hampton Roads; consequently the supplies of the Naval Depot, placed there, would be limited to those received by the canals, and by the waters discharging themselves into Hampton Roads; while the whole resources of the Chesapeake, and its tributary streams, as well as those which may be afforded by the projected canals connecting its waters with the Delaware, will be open to St. Mary's.

A military force stationed at St. Mary's can aid in the defence of every part of the bay exposed to attack, while such aid has never been found in the force stationed at Norfolk, nor is it believed it would in any stationed at York. And, finally,

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if the experiment of fortifying Hampton Roads should not succeed, a naval force that can issue from St. Mary's would not be less formidable, nor afford less protection to the Chesapeake, than one stationed there or at York.

In closing these remarks allow me to observe that I should regret extremely that any difference of opinion existed as to the most suitable point for establishing a Naval Depot, were I not persuaded that this indifference will be the means of placing you in possession of the best information as to the merits and defects of the places under examination. And I am happy to have in my power to say, that there appears to be but one opinion among the Commissioners as to the necessity of such an establishment somewhere on the waters of the Chesapeake. Reasons of a po-

litical nature which may weigh for or against the particular spot to be selected for a Naval Depot, I leave to politicians; unbiassed by local interests or local prejudices, I have given my opinion solely in regard to the utility of such an establishment. I give them with deference; but with a perfect conviction, in my own mind, of the correctness of the position, that the defence of the Chesapeake, and the utility of a Naval Depot on its waters, will depend more on the conveniences and resources it can furnish, than the position of the depot. A Naval Depot is the source whence all the members receive their supplies and vigor to defend, not a particular spot or place, but the whole body corporate—not for the advantage of any particular section, but for that of the whole Union.

D. PORTER.

Public Acts of Congress.

An Act to amend an act, entitled "An act authorizing the payment of a sum of money to Joseph Stewart and others."

Be it enacted, &c., That the money authorized to be paid to Joseph Stewart and his associates, of Dorchester county, in the State of Maryland, or to their legal representatives, by an act of Congress approved on the twenty-ninth day of April, one thousand eight hundred and sixteen, shall be paid to the following persons, their legal representatives or agents, viz: The said Joseph Stewart, Moses Navy, John Bell, Moses Geoghegan, Mathias Travers, Samuel Travers, Henry K. Travers, Hicks North, Thomas Tolly, Joseph Cator, John Willoby, James Hooper, Hugh Roberts, John Tolly, Moses Simmons, Robert Travers, John Simmons, Edward Simmons, William Powers, William Geoghegan, (of James,) William Geoghegan, (of Moses,) Jeremiah Spicer, Travers Spicer, Jeremiah Travers, William Dove, Thomas Woolen, Samuel Edmondson, Henry Corder, Roger Tregal, Thomas Arnold, Samuel Creighton, Jeremiah Creighton, Benjamin Keene, Thomas Lecompte, James Lecompte, Fountain Lecompte, Elijah Tall, Charles Woodland, William Barnes, William M. Robinson, Joseph Saunders, and Daniel Wilson.

SEC. 2. *And be it further enacted,* That the money authorized to be paid to Samuel Jennison, of St. Mary's county, in the State of Maryland, or to his legal representatives, by the third section of the above recited act, shall be paid to Samuel Tennison, his legal representative or agent, of St. Mary's county, in the State of Maryland.

Approved, February 8, 1817.

An Act to repeal the second section of an act, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States."

Be it enacted, &c., That the second section of an act, entitled "An act concerning the pay of the officers, seamen, and marines, in the Navy of the United States," passed the eighteenth of April, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed.

Approved, February 22, 1817.

An Act in addition to "An act for the relief of George T. Ross, and Daniel T. Patterson, and the officers and men lately under their command."

Be it enacted, &c., That, for the purpose of carrying into effect the act, entitled "An act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command," the Secretaries of War and Navy are hereby authorized and required, by and with the approbation of the President of the United States, to draw, by their warrant or warrants, from the Treasury of the United States, out of any moneys therein, not otherwise appropriated, the sum appropriated by the said act, and to appoint an agent or agents to disburse the same, according to the true intent and meaning of the act aforesaid.

Approved, February 22, 1817.

An Act providing for the division of certain quarter sections, in future sales of the public lands.

Be it enacted, &c., That, from and after the first day of September next, the sections designated by number two, five, twenty, twenty-three, thirty, and thirty-three, in each and every township of the public lands, the sale of which is now, or hereafter may be, authorized by law, shall be offered for sale either in quarter sections, or half quarter sections, at the option of the purchaser; and in every case of the division of a quarter section, the portion shall be made by a line running due north and south, and in every other respect the said sections shall be offered, whether at public or private sale, on the same terms and conditions as have been, or may be, by law, provided for the sale of the other public lands of the United States.

Approved, February 22, 1817.

An Act authorizing the sale of certain grounds belonging to the United States in the City of Washington.

Be it enacted, &c., That the Commissioner for the superintendence of the Public Buildings in the City of Washington be, and he hereby is, authorized to lay off into building lots all that part of the public reservation of ground in the said city, numbered ten, lying on the north side of the Pennsylvania avenue, between Third and Four-and-an-half streets west, embraced by the whole of the front of said reservation on said avenue, and extending back, or northwardly, not exceeding two hundred feet; and, under the direction of the President of the United States, to sell any number of such lots, not exceeding one-half of the whole number, and the avails thereof to pay into the Treasury of the United States; and in such sales the Commissioner is hereby directed to reserve to the United States every other lot, except in particular cases it may be expedient to sell two or more contiguous lots; but all sales made in virtue of this act shall be under and upon the express condition, that the purchaser shall build and finish, or cause to be built and finished, within three years from the day of sale, a good and substantial brick or stone house, of not less than three stories high, exclusive of the basement story, nor less than twenty-five feet front; and in failure of a compliance with the said conditions, or any of them, the lots so sold shall revert to the United States, and the party failing shall incur a forfeiture of any and all moneys which may have been paid for the same.

SEC. 2. *And be it further enacted,* That the moneys arising from the sales aforesaid be, and they hereby are, appropriated to the payment of any moneys which may hereafter be expended for the public buildings and public improvements in the City of Washington.

Approved, February 24, 1817.

An Act granting a pension to Commodore Richard Taylor.

Be it enacted, &c., That, from and after the third day of September, one thousand eight hun-

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dred and sixteen, a pension of three hundred dollars per annum be allowed to Commodore Richard Taylor, in consequence of a total disability arising from a wound received in a conflict with the enemy in the Revolutionary war, while in the command of a flotilla in the waters of the Chesapeake, under a commission of captain in the navy from the State of Virginia; to be paid to him, the said Taylor, half yearly, out of any moneys in the Treasury not otherwise appropriated by law.

Approved, March 1, 1817.

An Act authorizing vessels departing from the town of Bayou St. John and Basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house in the city of New Orleans.

Be it enacted, &c., That all ships or vessels, about to depart for foreign ports or places, from the town of Bayou St. John, or Basin of the Canal de Carondelet, shall be permitted to clear out, with their cargoes, at the custom-house, in the city of New Orleans, and depart, under the same rules, regulations, and restrictions, and in every respect in the same manner, as vessels clearing out and departing, for foreign ports, from the said city of New Orleans, by way of the Mississippi river.

Approved, March 1, 1817.

An Act making reservation of certain public lands to supply timber for Naval purposes.

Be it enacted, &c., That the Secretary of the Navy be authorized, and it shall be his duty, under the direction of the President of the United States, to cause such vacant and unappropriated lands of the United States as produce the live oak and red cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of the said timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the said timbers. The said Secretary shall have power to employ such agent or agents and surveyor as he may deem necessary for the aforesaid purpose, who shall report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water courses, which report shall be laid before the President, which he may approve or reject, in whole or in part; and the tracts of lands thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States: *Provided,* That nothing in this section contained shall be construed to prejudice the rights of any person or persons claiming lands which may be reserved as aforesaid.

SEC. 2. And be it further enacted, That if any person or persons shall cut any timber on the lands reserved as aforesaid, or shall remove or be employed in removing timber from the same, un-

less duly authorized so to do, by order of a competent officer, and for the use of the Navy of the United States; or if any person or persons shall cut any live oak or red cedar timber on, or remove or be employed in removing from any other public lands of the United States, with intent to dispose of the same for transportation to any port or place within the United States, or for exportation to any foreign country, such person or persons so offending and being thereof duly convicted before any court having competent jurisdiction, shall pay a fine not exceeding five hundred dollars and be imprisoned not exceeding six months.

SEC. 3. And be it further enacted, That if the master, owner, or consignee, of any ship or vessel, shall knowingly take on board any timber cut on lands reserved as aforesaid, without proper authority and for the use of the Navy, or shall take on board any live oak or red cedar timber, cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the ship or vessel on board of which the same shall be seized, shall, with her tackle, apparel, and furniture, be wholly forfeited.

SEC. 4. And be it further enacted, That if any timber as aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the ship or vessel in which the same shall have been exported shall be liable to forfeiture, and the captain or master of such ship or vessel shall forfeit and pay a sum not exceeding one thousand dollars.

SEC. 5. And be it further enacted, That all penalties and forfeitures incurred for taking on board, transporting, or exporting timber by force of this act, shall be sued for, recovered, and distributed, and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," and shall be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned."

Approved, March 1, 1817.

An Act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States.

Be it enacted, &c., That the inhabitants of the western part of the Mississippi Territory be, and they hereby are, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States, in all respects whatever.

SEC. 2. And be it further enacted, That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning on the river Mississippi at the point where the southern boundary line of the State of

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Tennessee strikes the same, thence east along the said boundary line to the Tennessee river, thence up the same to the mouth of Bear creek, thence by a direct line to the northwest corner of the county of Washington, thence due south to the Gulf of Mexico, thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne, thence up said river to the thirty-first degree of north latitude, thence west along the said degree of latitude to the Mississippi river, thence up the same to the beginning.

SEC. 3. *And be it further enacted*, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided within the said Territory at least one year previous to the time of holding the election, and shall have paid a county or territorial tax, and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the Territory, be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned among the several counties within the said Territories, as follows, to wit: from the county of Warren, two representatives; from the county of Claiborne, four representatives; from the county of Jefferson, four representatives; from the county of Adams, eight representatives; from the county of Franklin, two representatives; from the county of Wilkinson, six representatives; from the county of Amite, six representatives; from the county of Pike, four representatives; from the county of Lawrence, two representatives; from the county of Marion, two representatives; from the county of Hancock, two representatives; from the county of Wayne, two representatives; from the county of Greene, two representatives; from the county of Jackson, two representatives: and the election of the representatives shall be holden on the first Monday and Tuesday in June next, throughout the several counties abovementioned, and shall be conducted in the same manner as is prescribed by the laws of said Territory, regulating elections therein for members of the House of Representatives.

SEC. 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they hereby are, authorized to meet at the town of Washington, on the first Monday of July next; which convention, when met, shall first determine, by a majority of the whole number elected, whether it be or be not expedient, at that time, to form a constitution and State government for the people within the said Territory; and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and State government: *Provided*, That the same, when formed, shall be republican, and not repugnant to the principles of the ordinance of the 13th of July, one thousand seven hundred and eighty-seven, between the people and States of the territory northwest of the river Ohio, so far as the same has been extended to the said territory by the articles of agreement be-

tween the United States and the State of Georgia, or of the Constitution of the United States: *And provided also*, That the said convention shall provide, by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands lying within the said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land sold by Congress, shall be and remain exempt from any tax laid by the order, or under the authority, of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof, and that the lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said State, as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State.

SEC. 5. *And be it further enacted*, That five per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals; of which, three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress: *Provided*, That the application of such proceeds shall not be made until after payment is completed of the one million two hundred and fifty thousand dollars due to the State of Georgia, in consideration of the cession to the United States, nor until the payment of all the stock which has been or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," shall be completed: *And provided also*, That the said five per cent. shall not be calculated on any part of such proceeds as shall be applied to the payment of the one million two hundred and fifty thousand dollars due to the State of Georgia, in consideration of the cession to the United States, or in payment of the stock which has or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory."

SEC. 6. *And be it further enacted*, That, until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives of the United States.

Approved, March 1, 1817.

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An Act supplementary to an act, entitled "An act concerning the Naval Establishment."

Be it enacted, &c., That every purser now in service, or who may hereafter be appointed, shall, instead of the bond required by the act to which this is a supplement, enter into bond with two or more sufficient sureties, in the penalty of twenty-five thousand dollars, conditioned for the faithful discharge of all his duties as purser in the Navy of the United States, which sureties shall be approved by the judge or attorney of the United States for the district in which such purser shall reside.

Sec. 2. And be it further enacted, That, from and after the first day of May next, no person shall act in the character of purser, who shall not enter into bond as aforesaid, excepting pursers on distant service, who shall not remain in service longer than two months after their return to the United States, unless they shall comply with the provisions of the first section of this act.

Approved, March 1, 1817.

An Act freeing from postage all letters and packets to and from James Madison.

Be it enacted, &c., That all letters and packets to and from James Madison, now President of the United States, after the expiration of his term of office, and during his life, shall be carried by the mail free of postage.

Approved, March 1, 1817.

An Act relating to the ransom of American captives of the late war.

Be it enacted, &c., That the proper accounting officer of the War Department be, and he is hereby, authorized and directed to settle the accounts of any person who may have redeemed and purchased from captivity any citizen of the United States, taken prisoner during the late war with Great Britain, upon the same principles and rules of evidence by which other claims are adjusted in said Department: *Provided,* That in no case shall a greater sum be allowed than one hundred and fifty dollars.

Approved, March 1, 1817.

An Act in addition to an act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States."

Be it enacted, &c., That the commissioners who now are, or hereafter may be, appointed by virtue of the act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States," are hereby authorized to take affidavits and bail in civil causes, to be used in the several district courts of the United States, and shall and may exercise all the powers that a justice or judge of any of the courts of the United States may exercise by virtue of the thirtieth section of the act, entitled "An act to establish the judicial courts of the United States."

Approved, March 1, 1817.

An Act concerning the Navigation of the United States.

Be it enacted, &c., That, after the thirtieth day of September next, no goods, wares, or merchandise, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise, can only be, or most usually are, first shipped for transportation: *Provided, nevertheless,* That this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation.

Sec. 2. And be it further enacted, That all goods, wares, or merchandise, imported into the United States, contrary to the true intent and meaning of this act, and the ship or vessel where-in the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo, shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission, of forfeitures to the United States by the several revenue laws.

Sec. 3. And be it further enacted, That, after the thirtieth day of September next, the bounties and allowances now granted by law to the owners of boats or vessels engaged in the fisheries, shall be paid only on boats or vessels, the officers and at least three-fourths of the crews of which shall be proved, to the satisfaction of the collector of the district where such boat or vessel shall belong, to be citizens of the United States, or persons not the subjects of any foreign Prince or State.

Sec. 4. And be it further enacted, That no goods, wares, or merchandise, shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign Power; but this clause shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no goods, wares, or merchandise, other than those imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States.

Sec. 5. And be it further enacted, That, after the thirtieth day of September next, there shall be paid a duty of fifty cents per ton upon every ship or vessel of the United States which shall be entered in a district in one State from a district in another State, except it be an adjoining State on the seacoast, or on a navigable river or lake, and except, also, it be a coasting vessel going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, having on

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board goods, wares, and merchandise, taken in one State, to be delivered in another State: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, more than once a year: *And provided, also*, That, if the owner of any such vessel, or his agent, shall prove, to the satisfaction of the collector, that three-fourths at least of the crew thereof are American citizens, or persons not the subjects of any foreign Prince or State, the duty to be paid in such case shall be only at the rate of six cents per ton; but nothing in this section shall be construed to repeal or affect any exemption from tonnage duty given by the eighth section of the act, entitled "An act to provide for the establishment of certain districts," and therein to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage, and for other purposes."

SEC. 6. *And be it further enacted*, That, after the thirtieth day of September next, there shall be paid upon every ship or vessel of the United States, which shall be entered in the United States, from any foreign port or place, unless the officers and at least two-thirds of the crew thereof shall be proved citizens of the United States, or persons not the subjects of any foreign Prince or State, to the satisfaction of the collector, fifty cents per ton: *And provided, also*, That this section shall not extend to ships or vessels of the United States which are now on foreign voyages, or which may depart from the United States prior to the first day of May next, until after their return to some port of the United States.

SEC. 7. *And be it further enacted*, That the several bounties and remissions, or abatements of duty, allowed by this act, in the case of vessels having a certain proportion of seamen who are American citizens, or persons not the subjects of any foreign Power, shall be allowed only in the case of vessels having such proportion of American seamen during their whole voyage, unless in case of sickness, death, or desertion, or where the whole or part of the crew shall have been taken prisoners in the voyage.

Approved, March 1, 1817.

An Act making appropriations for the support of Government for the year one thousand eight hundred and seventeen.

Be it enacted, &c., That the following sums be, and they are hereby, respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, four hundred and twenty-one thousand eight hundred and fifty dollars.

For the expenses of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, forty-two thousand dollars.

For the expenses of the Library of Congress, including the Librarian's allowance, for the year

one thousand eight hundred and seventeen, one thousand three hundred and fifty dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, five thousand dollars.

For compensation to the clerks employed in the Department of State, thirteen thousand seven hundred and fifty dollars.

For compensation to the messenger in said Department, and for the Patent Office, six hundred and sixty dollars.

For the incidental and contingent expenses of the said Department, including the expense of printing and distributing copies of the laws of the second session of the fourteenth Congress, and printing the laws in newspapers, twenty-three thousand seven hundred and two dollars.

For compensation to the Secretary of the Treasury, five thousand dollars.

For compensation to the clerks employed in the office of the Secretary of the Treasury, ten thousand four hundred and thirty-three dollars.

For compensation to the messenger and assistant messenger in the office of the Secretary of the Treasury, seven hundred and ten dollars.

For expense of translating foreign languages, allowed to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand one hundred dollars.

For compensation to the Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks employed in the office of the said Comptroller, fifteen thousand five hundred and sixteen dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the Auditor's office, sixteen thousand six hundred and thirty-two dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses in said office, six hundred dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks employed in the office of the Treasurer, five thousand four hundred and forty dollars.

For compensation to the messenger of said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses in said office, eight hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks employed in

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the office of the said Commissioner, eleven thousand nine hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses of said office, including vellum for land patents, five thousand dollars.

For compensation to the Commissioners of the Revenue, three thousand dollars.

For compensation to the clerks employed in the office of the said Commissioner, nine thousand dollars.

For compensation to the messenger of said office, four hundred and ten dollars.

For stationery, printing, and contingent expenses, including the paper, printing, and stamping, of licenses in said office, three thousand two hundred dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For an additional sum which was allowed him for the service of the year one thousand eight hundred and sixteen, six hundred dollars.

For compensation to the clerks employed in the office of the said Register, seventeen thousand and twenty-eight dollars.

For compensation to the messenger of said office, four hundred and ten dollars.

For expense of stationery, including books for the public stocks, printing the public accounts, and other contingent expenses of the Register's office, three thousand six hundred dollars.

For fuel and other contingent expenses of the Treasury Department, five thousand dollars.

To make good the deficiency in the sum appropriated last year for the general expenses of the several offices of the Treasury Department, and which, from a re-occupancy of the public buildings, required an expenditure for repairs, furniture, and other contingent expenses, thereunto incidental, six thousand nine hundred and twenty-five dollars.

For compensation to a superintendent and two watchmen, employed for the security of the Treasury buildings; and for the expenses of rebuilding two fire engine houses; for repairs of two engines and hose; and for an additional number of buckets, and to keep the same in repair; one thousand seven hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the Secretary of War, fifteen thousand two hundred and thirty dollars.

For compensation to the messenger and his assistants in said office, seven hundred and ten dollars.

For expenses of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, four thousand dollars.

For compensation to the Accountant of the War Department, two thousand dollars.

For compensation to the clerks employed in the

office of said Accountant, sixteen thousand seven hundred and seventy-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, one thousand five hundred dollars.

For compensation to the additional Accountant of the War Department, two thousand dollars.

For compensation to the clerks employed in the office of the said additional Accountant, seventeen thousand six hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expenses of fuel, stationery, printing, and other contingent expenses, in the office of said additional Accountant, including a sum of seven hundred dollars for which no appropriation was made for contingent expenses of last year, one thousand seven hundred dollars.

For compensation to the Paymaster General of the Army, two thousand five hundred dollars.

For an additional compensation allowed him for the year one thousand eight hundred and sixteen, three hundred and forty-six dollars.

For compensation to the clerks employed in the office of the Paymaster General of the Army, ten thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, two thousand dollars.

For compensation to the Superintendent General of Military Supplies, three thousand dollars.

For compensation to the clerks employed in the office of said Superintendent, seven thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, including a deficiency of two hundred dollars for the contingent expenses of the last year, one thousand two hundred dollars.

For compensation to the Commissary General of Purchases, three thousand dollars.

For compensation to the clerks employed in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, three hundred and sixty dollars.

For contingent expenses in the office of said Commissary, nine hundred and thirty dollars.

For compensation to the clerks employed in the office of the Adjutant and Inspector General, one thousand eight hundred dollars.

For compensation to the clerks employed in the Ordnance office, one thousand dollars.

For compensation to the Secretary of the Navy, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the said Secretary, seven thousand two hundred and thirty-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

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For expense of fuel, stationery, printing, and other contingent expenses in said office, two thousand five hundred dollars.

For compensation to the Accountant of the Navy Department, two thousand dollars.

For compensation to the clerks employed in the office of the Accountant of the Navy Department, fourteen thousand seven hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, and other contingent expenses in said office, one thousand two hundred and fifty dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Navy Board, two thousand dollars.

For compensation to the clerks employed in the office of the Navy Board, three thousand three hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For the contingent expenses of the Navy Board, two thousand dollars.

For compensation to the Postmaster General, three thousand dollars.

For compensation to the Assistant Postmaster General, one thousand seven hundred dollars.

For compensation to the second Assistant Postmaster General, one thousand six hundred dollars.

For compensation to the clerks employed in the General Post Office, nineteen thousand three hundred and five dollars.

For compensation to the messenger and his assistants in said office, six hundred and sixty dollars.

For contingent expenses in said office, three thousand six hundred dollars.

For compensation to the several Commissioners of Loans, and allowance to certain Commissioners of Loans, in lieu of clerk-hire, fourteen thousand five hundred and fifty dollars.

For compensation to the clerks of sundry Commissioners of Loans, and to defray the authorized expenses of the several loan offices, thirteen thousand seven hundred dollars.

For the salary of the late Commissioner of Loans of South Carolina, from the first of April to the twenty-fourth of July, one thousand eight hundred and eleven, being the amount carried to the surplus fund on the thirty-first of December, one thousand eight hundred and thirteen, three hundred and fifteen dollars and twenty-two cents.

For compensation to the Surveyor General and his clerks, four thousand one hundred dollars.

For compensation to the Surveyor of lands south of Tennessee, and for the contingent expenses of his office, three thousand seven hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington, two thousand dollars.

For compensation to the officers and clerks of the Mint, nine thousand six hundred dollars.

For wages to persons employed in the different operations of the Mint, including the sum of six

hundred dollars allowed to an assistant engraver, five thousand dollars.

For repairs, cost of iron and machinery, rents, and other contingent expenses of the Mint, three thousand dollars.

For allowance of wastage in the gold and silver coinage, one thousand five hundred dollars.

For the purchase of copper to coin into cents, fifteen thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, nine thousand dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Illinois Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Missouri Territory, seven thousand eight hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, two thousand dollars.

For compensation granted by law to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, sixty-one thousand dollars.

For compensation to the Attorney General of the United States, three thousand dollars.

For compensation of sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, seven thousand eight hundred and fifty dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, eight hundred and sixty dollars.

For the payment of the annual allowance to the pensioners of the United States, two hundred thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, including the purchase and transportation of oil, keepers' salaries, repairs and

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improvements, and contingent expenses, seventy-three thousand four hundred and ninety-three dollars and thirty-three cents.

For an appropriation, in addition to the appropriation for building a light-house at the mouth of the Mississippi, and for repairing the block-house at the Balize for a temporary light-house, twenty-five thousand dollars.

For rebuilding the Baldhead light-house, in North Carolina, in addition to the sum heretofore appropriated for that purpose, one thousand dollars.

For rebuilding the light-house at Nantucket, recently destroyed by fire, seven thousand five hundred dollars; beacon lights on Sandy Hook, one thousand two hundred dollars; erection of a beacon, and placing buoys at the entrance of the harbor of Bristol, in Rhode Island, one thousand dollars.

For a light on the beacon on Tybee, and for erecting six beacons, and placing four buoys on such sites, and at such points, as the commissioners of pilotage, residing at Savannah, shall fix on, one thousand two hundred dollars.

For an additional appropriation for building a light-house at Tarpaulin Cove, three thousand seven hundred and forty-six dollars.

For the following objects, being the balances of former appropriations carried to the surplus fund, viz:

For erecting light-houses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout, in North Carolina, twenty thousand dollars.

For building a light-house on the south point of Cumberland island, in Georgia, ten thousand dollars.

For erecting a light-house on the south point of Sapelo island, in Georgia, fourteen thousand four hundred and ninety-five dollars.

For placing buoys and beacons at or near the entrance of the harbor of Beverly, in Massachusetts, three hundred and fifty dollars.

For placing buoys, as deemed necessary, at the entrance of the harbor of Edgartown, in Massachusetts, one thousand four hundred and forty-three dollars and forty-three cents.

For erecting two light-houses on Lake Erie, viz: on or near Bird island, and on or near Presque Isle, seventeen thousand dollars.

For building a light-house on Petite Manan, six thousand dollars.

For fitting up light-houses heretofore authorized to be erected, with the apparatus for lighting the same, five thousand dollars.

For fitting up the light-houses with Winslow Lewis's improvements, agreeably to his contract of the 26th day of March, 1812, in addition to the sums heretofore appropriated for that purpose, six thousand dollars.

For erecting a beacon on a point of land near New Inlet, in North Carolina, one thousand eight hundred dollars.

For compensation to the commissioner for settling claims for property lost, two thousand dollars.

For compensation to the clerk in said commissioner's office, one thousand dollars.

For defraying the expense of publishing certain notices by the commissioner, two thousand five hundred dollars.

For defraying the expense of printing various forms for the said commissioner, two hundred and forty-nine dollars and twenty-five cents.

For office furniture, stationery, wood, and other contingencies, seven hundred and twenty dollars.

For the hire of an additional clerk, from the eighteenth September, one thousand eight hundred and sixteen, to the first of February, one thousand eight hundred and seventeen, at nine hundred dollars per annum, three hundred and thirty dollars.

For the hire of a messenger, from the first of July to the first of February following, one hundred and twenty dollars.

For defraying the expenses of printing certificates of registry and other documents for vessels, five thousand dollars.

To provide for the payment of the sums directed to be paid by an act of the last session, entitled "An act for settling the compensation of the commissioner, clerk, and translator, of the board for land claims in the eastern and western district of the Territory of Orleans, now State of Louisiana," forty thousand three hundred and seventy-eight dollars and thirty-two cents.

For defraying the expense of surveying the public lands within the several States and Territories of the United States, one hundred and eighty thousand and eighty-eight dollars.

For bringing the votes for President and Vice President of the United States to the Seat of Government, two thousand four hundred dollars.

For the salaries, allowances, and contingent expenses of Ministers to foreign nations, and of Secretaries of Legation, eighty-seven thousand dollars.

For the contingent expenses of intercourse between the United States and foreign nations, seventy thousand dollars.

For the expenses of intercourse with the Barbary Powers, forty-seven thousand dollars.

For the expenses necessary, during the present year, for carrying into effect the fourth, sixth, and seventh articles of the Treaty of Peace, concluded with His Britannic Majesty on the twenty-fourth day of December, one thousand eight hundred and fourteen, including the compensation of the commissioners appointed under those articles, thirty-four thousand three hundred and thirty-three dollars and thirty-two cents.

For the salaries of the agents for claims on account of spoliation, and for seamen at London, Paris, Copenhagen, and the Hague, eight thousand dollars.

For the relief of distressed American seamen, for the present year, and to make good a deficiency in the preceding year, fifty thousand dollars.

On account of the paintings authorized by the resolution of Congress, eight thousand dollars.

For purchasing or erecting, for the use of the United States, suitable buildings for custom-

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houses and public warehouses, in such principal district in each State where the Secretary of the Treasury shall deem it necessary for the safe and convenient collection of the revenue of the United States, fifty thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and out of any moneys not otherwise appropriated.

Approved, March 3, 1817.

An Act repealing the act, entitled "An act for the safe-keeping and accommodation of prisoners of war, passed July the sixth, one thousand eight hundred and twelve.

Be it enacted, &c., That the act entitled "An act for the safe-keeping and accommodation of prisoners of war, passed on the sixth day of July, one thousand eight hundred and twelve," be, and the same hereby is, repealed; and the Secretary of the Treasury is hereby required to cause an account to be rendered of the fund appropriated by the act hereby repealed, and report the same to Congress at their next session.

Approved March 3, 1817.

An Act making provision for the support of the Military Establishment for the year one thousand eight hundred and seventeen.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment of the United States, for the year one thousand eight hundred and seventeen: for the Indian department; for fortifications; for the Ordnance department; for armories; for arsenals and magazines; for the expenses of the public buildings at West Point; and for the purchase of maps, plans, books, and instruments, for the Military Academy at said place, the following sums be, and the same are hereby, respectively, appropriated; that is to say:

For the pay of the Army of the United States, one million four hundred and thirty-three thousand eight hundred and seventy-two dollars.

For subsistence, including the sum of four hundred thousand dollars already appropriated to that object by an act of this session, one million one hundred and twenty-three thousand seven hundred and ninety-eight dollars.

For forage for officers, sixty-eight thousand three hundred and twenty-four dollars.

For bounties and premiums, thirty-two thousand dollars.

For clothing, six hundred and seventy thousand eight hundred and eighty-one dollars.

For the Medical and Hospital department, one hundred thousand dollars.

For the Ordnance department, one hundred and ninety-one thousand seven hundred and thirty-eight dollars.

For fulfilling contracts already entered into for cannon and shot, sixty thousand dollars.

For completing arsenals already commenced,

including that at Pittsburg, and not including that at Frankford, one hundred and thirty-four thousand five hundred dollars.

For purchasing materials for carriages for cannon and caissons, thirty-nine thousand dollars.

For fulfilling a contract for saltpetre with John P. Boyd, a sum not exceeding forty-three thousand seven hundred and sixty dollars.

For armories, three hundred and seventy-seven thousand three hundred and sixty-seven dollars.

For the Quartermaster's department, four hundred and sixty thousand dollars.

For fortifications, eight hundred and thirty-eight thousand dollars.

For contingencies of the Army, one hundred thousand dollars.

For the Indian department, two hundred thousand dollars.

For the purchase of maps, plans, books, and instruments for the War Office, two thousand five hundred dollars.

For the purchase of maps, plans, books, instruments, fuel, and stationery, for the Military Academy; repairing buildings at West Point, and for transportation and two boats, sixteen thousand five hundred and seventy dollars.

SEC. 2. *And be it further enacted*, That the sums herein appropriated be paid out of any money in the Treasury, not otherwise appropriated.

Approved March 3, 1817.

An Act authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State.

Be it enacted, &c., That there shall be paid to the State of Georgia, out of any moneys in the Treasury not otherwise appropriated, a sum equal to the amount of Mississippi stock which has been or shall be received in payment of the public lands in the Mississippi Territory, until the payment of one million two hundred and fifty thousand dollars, secured to the said State by the articles of agreement and cession between the United States and the State of Georgia, shall be completed; and the money hereby appropriated shall be paid in the same manner as if the payments in the said Mississippi stock had been made in money: *Provided*, That the payments which shall be made in pursuance of this act, shall not in the whole exceed three hundred and fifty thousand dollars, and the same shall be repaid to the Treasury out of the net proceeds of the sale of public lands in the Mississippi Territory, before any of the moneys thence arising shall be paid for the redemption of the outstanding certificates of Mississippi stock.

Approved March 3, 1817.

An Act for erecting a light-house on the west chop of Holmes's Hole harbor, in the State of Massachusetts.

Be it enacted, &c., That, as soon as a cession shall be made by the State of Massachusetts to

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the United States of the jurisdiction over a piece of land proper for the purpose, the Secretary of the Treasury shall be, and he is hereby, authorized to provide by contract, to be approved by the President of the United States, for building a light-house on the west chop of Holmes's Hole harbor in the said State, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the person, or persons, who may be appointed by the President for the superintendence and care of the same; and the President shall be authorized to make the said appointments.

SEC. 2. *And be it further enacted,* That there shall be appropriated and paid out of any moneys in the Treasury, not otherwise appropriated, the sum of five thousand dollars for the purposes aforesaid.

Approved, March 3, 1817.

An Act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans.

Be it enacted, &c., That the Bank of the United States, and its several branches, shall be, and they are hereby, required to do and perform the several duties, of Commissioners of Loans for the several States; and the Bank of the United States and its several branches, and such State banks as the Bank of the United States may employ in those States where no branch bank shall be established, shall observe and conform to the directions which have been or may hereafter be prescribed by the Secretary of the Treasury, with the approbation of the President of the United States, touching the execution of the duties aforesaid.

SEC. 2. *And be it further enacted,* That all such duties and acts as are now done and performed by the Commissioners of Loans, in transferring stock from the books of one loan office to another, or to the books of the Treasury, or from the books of the Treasury to the books of the loan offices, shall be done and performed by the president of the Bank of the United States, the president of the several branches of the said bank, and by the president of such State banks as the Bank of the United States may employ, (in States where no branch of the United States Bank shall be established;) and the acts of the presidents aforesaid shall be countersigned by the cashiers of those banks respectively.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to notify the president of the Bank of the United States, that the duties now performed by the Commissioners of Loans will be transferred to the Bank of the United States, and he shall direct the Commissioners of Loans and the agents for military pensions, where there is no commissioner, respectively, in the several States, to deliver to the president of the Bank of the United States, or to the president of a branch thereof, or to the president of such State bank as the Bank of the United States may employ, on such day or

days as he may designate, the register, and all the records and papers of their respective offices; and it shall be the duty of the said Commissioners of Loans and agents for pensioners to comply with the said direction, and also to take duplicate receipts for the delivery of the records and papers herein described, one of which shall be transmitted, without delay, to the Secretary of the Treasury: *Provided, however,* That the Secretary of the Treasury may designate such time, before the first day of January, one thousand eight hundred and eighteen, for the performance of the duties aforesaid, as the public convenience will permit: *And provided also,* That this act shall not be construed to extend to any agent for military pensions in any State where there is no bank established by law.

SEC. 4. *And be it further enacted,* That the office of Commissioner of Loans, upon the delivery of the records and papers, as herein required, to the Bank of the United States, or its branches, or to the State banks employed by the Bank of the United States in those States where there may be no branch, shall be, and hereby is, abolished; and the pay and emoluments of the said Commissioners of Loans, and the clerks and persons employed by them, after such delivery, shall respectively cease and determine.

SEC. 5. *And be it further enacted,* That the act, entitled "An act for the prompt settlement of public accounts," shall commence, and be in force, on and after the third day of this instant, March, anything in the aforesaid act to the contrary notwithstanding.

Approved, March 3, 1817.

An Act to regulate the trade in Plaster of Paris.

Be it enacted, &c., That, from and after the fourth day of July next, no plaster of Paris, the production of any country, or its dependencies, from which the vessels of the United States are not permitted to bring the same article, shall be imported into the United States in any foreign vessel. And all plaster of Paris imported, or attempted to be imported, into the United States, contrary to the true intent and meaning of this act, and the vessel in which the same may be imported, or attempted to be imported, together with the cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such plaster of Paris, vessel and cargo, shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, and distribution, and remission, of forfeitures to the United States by the several revenue laws.

SEC. 2. *And be it further enacted,* That this act shall continue and be in force five years from the thirty-first day of January, one thousand eight hundred and seventeen: *Provided, nevertheless,* That if any foreign nation, or its dependencies, which have now in force regulations on the subject of the trade in plaster of Paris, prohibiting the exportation thereof to certain parts of the

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United States, shall discontinue such regulations, the President of the United States is hereby authorized to declare that fact by his proclamation, and the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the nation, or its dependencies, discontinuing such regulations.

Approved, March 3, 1817.

An Act authorizing the deposit of the papers of foreign vessels, with the Consul of their respective nations.

Be it enacted, &c., That the register, or other document in lieu thereof, together with the clearance and other papers, granted by the officers of the customs to any foreign ship or vessel, at her departure from the port or place from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. And it shall be the duty of the master or commander, within forty-eight hours after such entry, to deposit the said papers with the consul or vice consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice consul, that the said papers have been so deposited; and any master, or commander, as aforesaid, who shall fail to comply with this regulation, shall, upon conviction thereof in any court of competent jurisdiction, be fined in a sum not less than five hundred dollars, nor exceeding two thousand dollars: *Provided,* That this act shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation, according to the provisions of the second section of the act supplementary to the act "concerning consuls and vice consuls, and for the further protection of American seamen," passed the twenty-eighth of February, one thousand eight hundred and three.

SEC. 2. And be it further enacted, That, it shall not be lawful for any foreign consul to deliver to the master or commander of any foreign vessel the register and other papers deposited with him pursuant to the provisions of this act, until such master or commander shall produce to him a clearance in due form from the collector of the port where such vessel had been entered; and any consul offending against the provisions of this act shall, upon conviction thereof before the Supreme Court of the United States, be fined at the discretion of the court in a sum not less than five hundred dollars, nor exceeding five thousand dollars.

Approved, March 3, 1817.

An Act to provide for furnishing the house of the President of the United States.

Be it enacted, &c., That after the third day of March, one thousand eight hundred and seventeen, the President of the United States be, and he is hereby, authorized and empowered, to cause to be sold such articles furnished by the United

States for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of sales, and so much of a sum not exceeding twenty thousand dollars, in addition thereto, out of any money in the Treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are, appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

Approved, April 3, 1817.

An Act further to regulate the Territories of the United States, and their electing delegates to Congress.

Be it enacted, &c., That in every Territory of the United States in which a temporary government has been, or hereafter shall be, established, and which by virtue of the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven, or of any subsequent act of Congress, passed, or to be passed, now hath or hereafter shall have the right to send a delegate to Congress, such delegate shall be elected every second year, for the same term of two years for which members of the House of Representatives of the United States are elected; and in that House each of the said delegates shall have a seat with a right of debating, but not of voting.

SEC. 2. And be it further enacted, That on the first Monday of August next the citizens of the Territory of Missouri, qualified according to the act, entitled "An act providing for the government of the Territory of Missouri," shall elect a delegate to Congress; and it shall be the duty of the General Assembly of the said Territory to make provision by law for the annual or biennial meetings of the said General Assembly, as the interests of the Territory may in their opinion require; and such annual or biennial meeting shall be on the first Monday of December, unless they shall by law appoint a different day. And so much of any law, or laws, as are inconsistent with the provisions of this act, shall be, and the same are hereby, repealed.

Approved, March 3, 1817.

An Act to alter and establish certain post roads.

Be it enacted, &c., That the post roads hereinafter named be discontinued:

In Pennsylvania.—From Wysoxby, Orville, and Warren, to Nanticoke.

From Silver Lake, or Montrose, to Binghamton.

From Williamsport to Jersey Shore.

In Virginia.—From Liberty to Fincastle.

In Indiana.—From Brookville, by Bath and Lewistown, to Salisbury.

In Kentucky.—From Isbellville to Ewingville. From Greenup court-house to Little Sandy Salt-works.

From Danville, by Casey court-house, Pulaski court-house, Wayne court-house, Burksville, and Columbia, to Danville.

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SEC. 2. *And be it further enacted*, That the following be established post roads:

In Maine.—From Jay, by Jaypoint, Dixfield, and Holmanton, to Rumford.

From Anson to Solon.

In New Hampshire.—From Dunstable, by Nottingham West, to Pelham.

From Ackworth, Lempster, and Unity, to Newport.

From Ossipee, by Effingham, to Parsonfield.

In Vermont.—From Craftsborough, by Kelyvale, and Montgomery, to Richford.

In Massachusetts.—From Groton, by Pepperel and Holles, to Amherst, New Hampshire.

In Connecticut.—From Bridgeport, by Weston, Reading, and Bethel, to Danbury.

From Stanford, by way of New Canaan and North Ridgefield, to Danbury.

From Colchester, by Chatham, to Middletown.

In New York.—From Canandaigua, by Bristol, Richmond, Livonia, Genessee, and Warsaw, to Sheldon.

From Oswego Falls, by Port Glasgow and Portland, and along the ridge road by Carthage, to Rochester.

From Moscow, by the State road, to Buffalo.

From Oswego, by Montrose, Pennsylvania, and the turnpike to Milford, thence by Hamburg, in New Jersey, to Jersey City.

From Poughkeepsie, through Beekmantown, to New Milford.

From Bath, by Angelica, Hamilton, Ceres-town, Pennsylvania, Coudersport, and Jersey shore, to Williamsport.

From Bath to Naples.

From Angelica, by Nunda and Leicester, to Batavia.

From Salem, by Hebron, Argyle, and Fort Edwards, to Sandy Hill.

From Kingston, by Hurley, Marbletown, Rochester, Warwarsink, Mamakoting, to Milford, Pennsylvania.

From Madison, by Peterboro, to the Sullivan post office at the Chittenengo creek.

In New Jersey.—From Trenton, by Birmingham, Lambertsville, Prattsville, Frenchtown, Milford and Hughes's Forge, to Easton, Pennsylvania.

From Baskingridge, by New Providence, to Springfield, in Essex county.

In Pennsylvania.—From Newtown on the Somerset great road, by Fairfield meeting-house, to Armagh.

From Greensburgh, by the Great Salt works, to Indiana.

From Connelssville to Mount Pleasant.

From Kittaning to Roseburg.

From Franklin, by Oil Creek Town, Centreville, Bloomfield and Union, to Waterford.

From Lewistown, by Bellville, McAleavy's, Henry's, and Petersburg, to Alexandria; or, from Lewistown, by Bellville, Kisharvyville's valley, Wilson's mills, and Huntingdon, to Alexandria.

From Womelsdorf, by Rohrsersburg, Pine Grove, Klingerstown, and Georgetown, to Sunbury.

From Meansville, by Wysox, Pike, Head of Wyalusing creek, and Windham, to Montrose.

From Measville, by Sugar creek, and Smith's to Putnamville.

From Putnamville, by Columbia, Springfield, Athens, and Old Sheshiquin, to Meansville.

From Montrose, by Orwell, and Warren, to Athens.

From Shickshenny, by Huntingdon, Jackson, and Evernville, to Jerseytown.

In Maryland.—From Westminster, by Taneytown, and Emmittsburg, to Waynesburg.

From Baltimore, by Randalstown, Freedom, and New Windsor, to Uniontown.

In Ohio.—From St. Clairsville, by Harrisville, Cadiz, Flushing, Morristown, Belmont, and Barnsville, to Woodfield, thence by Dillon's, on Capteen Creek, to St. Clairsville.

From Dayton to Monroe

From Columbus to Granville.

From London, by Springfield, to Dayton.

From Newark, by New Lebanon, to Lancaster.

From Cincinnati, by Carson's, Ingersol's Ferry, or town of Miami, Clarke's store, and Harrison, to Brookville, Indiana.

In Virginia.—From Charlottesville, by Grayham's store, to Brown's turnpike.

From Liberty to Salem.

From Clarksburg, by Lewis court-house to Point Pleasant.

From Hull's store, in Pendleton county, to Bath court-house.

In Kentucky.—From Cattelsburg, by Little Sandy Salt works, Isle's mills, Owingsville, and Mouth of Bald Eagle, to Paris.

From Louisville, by Middletown, New Castle, Twin meeting-house, to Boone court-house.

From Russelville, by Elkton and Ewingville, to Hopkinsville.

From Hopkinsville, by Greenville, Madisonville, Belville, and Morganfield, to Shawneetown (Indiana.)

From Elizabethton, by Philadelphia, to Corydon (Indiana.)

From Danville, by Liberty and Somerset, to Monticello.

From Monticello, by Burksville, to Glasgow.

From Burksville to Columbia.

From Upper Bluelick, by Moorfield, to Owingsville.

From Port William, by Bedford, to New Castle.

In North Carolina.—From Morgantown, by Rutherfordton, to Greenville, South Carolina.

In Tennessee.—From Boatyard to Scott court-house.

From Dandridge, by Sevierville, to Maryville.

From Knoxville, by Loysborough and Speedville Iron Works, to Cumberland Gap.

From Shelbyville to Winchester.

From Nashville, by John Hunt's, to Clarks-ville.

From Morganton, by Russel's Ferry, Chota, Tellico Plains, Beaver Dams, and Griffin's, to Carnesville. Georgia.

In South Carolina.—From Pocotaligo, by

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Hickory Hill, in Prince William Parish, to Lower Three Runs, or Higginbottoms.

From Cambridge, by Scuffletown, to Pickensville.

In Georgia.—From Washington, by Elberton court-house and Danielsville, to Carnesville.

In Indiana.—From Corydon, by Shoemaker's, Troy, Mount Pleasant, Darlington and Evansville, to Harmony.

From Corydon, by Fredericksburg, to Salem.

From Lexington, by Salem, to Paoli.

From Vincennes, by Emmersonville, Carlisle, and Terre Haut, to Fort Harrison.

From Madison to New Castle, Kentucky.

From Madison to Vernon.

From Lawrenceburg, by Decatur, to Wilmington.

From Hamilton, Ohio, by Bath, Brookville, Connersville, Waterloo, Centreville, Salisbury, Dunlapville, and Fairfield, to Brookville.

From Princeton to Hendersonton, Kentucky.

Approved, March 3, 1817.

An Act to continue in force an act, entitled "An act for establishing trading-houses with the Indian tribes."

Be it enacted, &c., That the act, entitled "An act for establishing trading-houses with the Indian tribes," passed on the second day of March, one thousand eight hundred and eleven, and which was continued in force for a limited time by an act passed on the third day of March, one thousand eight hundred and fifteen, shall be, and the same is hereby, further continued in force until the first day of May, one thousand eight hundred and eighteen, and no longer.

Approved, March 3, 1817.

An Act to provide for the prompt settlement of Public Accounts.

Be it enacted, &c., That, from and after the third day of March next, the offices of accountant and additional accountant of the Department of War, the office of accountant of Navy, and the office of superintendent general of military supplies, be, and they are hereby, abolished.

SEC. 2. *And be it further enacted,* That, from and after the said third day of March next, all claims and demands whatever, by the United States or against them, and all accounts whatever, in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Treasury Department.

SEC. 3. *And be it further enacted,* That, from and after the third day of March next, in addition to the officers in the Treasury Department, already established by law, there shall be the following officers, namely, four auditors and one comptroller.

SEC. 4. *And be it further enacted,* That it shall be the duty of the first auditor to receive all accounts accruing in the Treasury Department, and, after examination, to certify the balance and transmit the accounts, with the vouchers and

certificate, to the first comptroller for his decision thereon; that it shall be the duty of the second auditor to receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department; that it shall be the duty of the third auditor to receive all accounts relative to the subsistence of the army, the quartermaster's department, and generally all accounts of the War Department other than those provided for; and it shall be the duty of the fourth auditor to receive all accounts accruing in the Navy Department, or relative thereto; and the second, third, and fourth auditors aforesaid shall examine the accounts respectively, and certify the balance, and transmit the accounts, with the vouchers and certificate, to the second comptroller for his decision thereon; and it shall be the duty of the fifth auditor to receive all accounts accruing in, or relative thereto, the Department of State, the General Post Office, and those arising out of Indian affairs, and examine the same, and thereafter certify the balance, and transmit the accounts, with the vouchers and certificate, to the first comptroller for his decision thereon: *Provided,* That the President of the United States may assign to the second or third auditor the settlement of the accounts which are now confided to the additional accountant of the War Department.

SEC. 5. *And be it further enacted,* That it shall be the duty of the auditors charged with the examination of the accounts of the War and Navy Departments, to keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; to receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the secretaries of those departments, the examination of the accounts of which has been assigned to them by the preceding section. And it shall be the duty of the said auditors to make such reports on the business assigned to them as the Secretaries of the War and Navy Departments may deem necessary, and require, for the services of those departments.

SEC. 6. *And be it further enacted,* That the said auditors shall annually, on the first Monday in November, report to the Secretary of the Treasury the application of the money appropriated for the military and naval departments, for the preceding year, which shall be laid before Congress by him, with the annual statement of the public expenditure.

SEC. 7. *And be it further enacted,* That the Treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the War and Navy Departments by warrants from the Treasury, which disbursements shall be made pursuant to warrants drawn by the Secretary of the War and Navy Departments respectively, countersigned by the

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second comptroller, and registered by the auditors respectively.

SEC. 8. *And be it further enacted*, That it shall be the duty of the first comptroller to examine all accounts settled by the first and fifth auditors, and certify the balances arising thereon to the register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall also superintend the preservation of the public accounts, subject to his revision, and provide for the regular payment of all moneys which may be collected.

SEC. 9. *And be it further enacted*, That it shall be the duty of the second comptroller to examine all accounts settled by the second, third, and fourth auditors, and certify the balances arising thereon to the secretary of the department in which the expenditure has been incurred; to countersign all warrants drawn by the Secretaries of the War and Navy Departments, which shall be warranted by law; to report to the said secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping, and stating, the accounts of the persons employed therein; and it shall also be his duty to superintend the preservation of the public accounts subject to his revision.

SEC. 10. *And be it further enacted*, That it shall be the duty of the first comptroller to superintend the recovery of all debts to the United States; to direct suits and legal proceedings, and to take all such measures as may be authorized by the laws, to enforce prompt payment of all debts to the United States.

SEC. 11. *And be it further enacted*, That the provision contained in the second section of the act, passed the third March, one thousand seven hundred and ninety-seven, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that in every case where suits have been, or shall be, instituted, a transcript from the books and proceedings of the Treasury, certified by the register, shall be admitted as evidence, be extended, in regard to the accounts of the War and Navy Departments, to the auditors respectively charged with the examination of those accounts, and that certificates, signed by them, shall be of the same effect as that directed to be signed by the register.

SEC. 12. *And be it further enacted*, That the auditors of the public accounts shall be empowered to administer oaths or affirmations to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

SEC. 13. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled within the year, except

where the distance of the places where such expenditure occurs may be such as to make further time necessary; and, in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required. And it shall be the duty of the first comptroller to lay before Congress annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

SEC. 14. *And be it further enacted*, That in the annual statement of all accounts on which balances appear to have been due more than three years, which the comptroller is now required by law to make, he shall hereafter distinguish those accounts, the balances appearing on which shall in his opinion be owing to difficulties of form, which he may think it equitable shall be removed by an act of Congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to Congress for three successive years as insolvent, the comptroller shall not be required in such case to continue to include such balances in the statement above mentioned.

SEC. 15. *And be it further enacted*, That the salary of the comptroller, appointed by virtue of this act, shall be three thousand dollars per annum, and that of the auditors, each, three thousand dollars per annum.

SEC. 16. *And be it further enacted*, That all letters and packages to and from the comptroller and auditors, herein before mentioned, be conveyed free of postage, under the same regulations that are provided by law for other officers of Government; and the Secretary of the Treasury is hereby authorized to assign the several sums appropriated for clerk-hire in the offices of the accountant, additional accountant, superintendent general of military supplies, and accountant of the navy, to the officers hereby created, to which their respective duties shall be assigned.

Approved, March 3, 1817.

An Act respecting the compensation of the collectors therein mentioned.

Be it enacted, &c., That, from and after the last day of March instant, there shall be allowed and paid, annually, in addition to the sum now allowed by law to the collector of the customs for Edgartown, in the State of Massachusetts, the sum of one hundred and fifty dollars; and to the collector of the customs for Plymouth, in the State of North Carolina, there shall also be paid annually the sum of one hundred and fifty dollars, in addition to the fees and other emoluments of office.

SEC. 2. *And be it further enacted*, That, from and after the last day of March instant, there shall be allowed to the collector of the customs for Middletown, in Connecticut, and to the collector of the customs in Newburyport, in the State of Massachusetts, three per centum on all moneys by

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them received on account of the duties upon importation and on tonnage.

Approved, March 3, 1817.

An Act to continue in force the second section of the act entitled "An act supplementary to an act to regulate the duties on imports and tonnage."

Be it enacted, &c., That on all foreign ships or vessels which shall be entered in the United States, after the thirtieth day of June next, from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton, to be levied and collected in the same manner, and under the same regulations, as are prescribed by law in relation to the duties upon tonnage now in force.

Approved, March 3, 1817.

An Act supplementary to "An act to regulate the duties on imports and tonnage."

Be it enacted, &c., That in all cases where an ad valorem duty shall be charged, it shall be calculated on the net cost of the article at the place whence imported, (exclusive of packages, commissions, charges of transportation, export duty, and all other charges,) with the usual addition, established by law, of twenty per cent. on all merchandise imported from places beyond the Cape of Good Hope, and of ten per cent. on articles imported from all other places.

Approved, March 3, 1817.

An Act for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States brig *Epervier*.

Be it enacted, &c., That the widow, if any such there be, and, in case there be no widow, the child or children, if there be no child, then to the parents or parent, and if there be no parent, then to the brothers and sisters of the officers, seamen, and marines, who were in the service of the United States, and lost in the brig *Epervier*, shall be entitled to, and receive, out of any money in the Treasury not otherwise appropriated, a sum equal to six months pay of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fourteenth day of July, one thousand eight hundred and fifteen, to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the Navy Department.

Approved, March 3, 1817.

An Act authorizing the Secretary of the Treasury to remit the duties therein mentioned.

Be it enacted, &c., That if any person to whom a license shall have been granted before the first day of July, in the year of our Lord one thousand eight hundred and sixteen, for a term extending beyond the said first day of July, according to the provisions of the act, entitled "An act laying duties on licenses to distillers of spirituous

liquors," shall prove, to the satisfaction of the Secretary of the Treasury, that he has discontinued, at any time since the said first of July, the use of any still, or stills, for the use of which the said license was granted, and not afterwards used the same, then, and in such case, it may be lawful for the Secretary of the Treasury to remit such proportion of the said duties as may have accrued for the time during which the use of the said still, or stills, was so discontinued; and, if such duties have been paid, then to repay out of any money in the Treasury, not otherwise appropriated, that proportion of such duties which accrued during the discontinuance of the use of said still, or stills, as above mentioned.

Approved, March 3, 1817.

An Act authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per centum upon the quota of direct tax, for the year one thousand eight hundred and sixteen, assumed and paid by that State.

Be it enacted, &c., That the Secretary of the Treasury shall be authorized to pay to the order of the Governor of Georgia, for the use of that State, the sum of fourteen thousand one hundred and eighty dollars and forty-seven cents, being an abatement of fifteen per cent. on the quota of direct tax, payable by that State, for the year one thousand eight hundred and sixteen; which quota was paid, but notice of an intention to assume it not given in time to entitle the said State to the deduction of fifteen per cent. under the act of January, one thousand eight hundred and fifteen, laying a direct tax upon the United States.

SEC. 2. And be it further enacted, That the above sum of fourteen thousand one hundred and eighty dollars and forty-seven cents shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act more effectually to preserve the neutral relations of the United States.

Be it enacted, &c., That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming, of any such ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, or of any colony, district or people, to cruise or commit hostilities, or to aid or co-operate in any warlike measure whatever, against the subjects, citizens, or property of any Prince or State, or of any colony, district or people, with whom the United States are at peace, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so that the fine to be imposed shall in no case be more than ten thousand dollars, and the term of imprisonment shall not exceed ten years; and every such ship or vessel, with her

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tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of any person who shall give information, and the other half to the use of the United States.

Sec. 2. *And be it further enacted*, That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly, or in part, by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel, shall not be employed by such owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the subjects, citizens, or property, of any Prince or State, or of any colony, district, or people, with whom the United States are at peace.

Sec. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart from the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any Prince or State, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereupon, or until the owner enters into bond and sureties to the United States prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner or owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the subjects, citizens, or property of any Prince or State, or of any colony, district, or people, with whom the United States are at peace.

Sec. 4. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship-of-war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship-of-war, cruiser, or armed vessel in the service of a foreign Prince or State, or of any colony, district, or people, or belonging to the subjects or citizens of any such Prince, State, colony, district, or people, the same being at war with any foreign Prince or State with whom the United States are at peace, by adding to the number or size of the guns of such vessels prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person, so offending, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the con-

viction shall be had, so as that such fines shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

Sec. 5. *And be it further enacted*, That this act shall continue in force for the term of two years.

Approved, March 3, 1817.

An Act to establish a separate Territorial Government for the eastern part of the Mississippi Territory.

Be it enacted, &c., That all that part of the Mississippi Territory which lies within the following boundaries, to wit: beginning at the point where the line of the thirty-first degree of north latitude intersects the Perdido river, thence east to the western boundary line of the State of Georgia, thence along said line to the southern boundary line to the State of Tennessee, thence west along said boundary line to the Tennessee river, thence up the same to the mouth of Bear creek, thence by a direct line to the northwest corner of Washington county, thence due south to the Gulf of Mexico, thence eastwardly, including all the islands within six leagues of the shore, to the Perdido river, and thence up the same to the beginning, shall, for the purpose of a temporary government, constitute a separate Territory, and be called "Alabama."

Sec. 2. *And be it further enacted*, That all offices which may exist, and all laws which may be in force, in said Territory, within the boundaries above described, at the time this act shall go into effect, shall continue to exist and be in force until otherwise provided by law. And the President of the United States shall have power to appoint a Governor and Secretary for the said Alabama Territory, who shall respectively exercise the same power, perform the same duties, and receive for their services the same compensation, as are provided for the Governor and Secretary of the Mississippi Territory: *Provided*, That the appointment of said Governor and Secretary shall be submitted to the Senate, for their advice and consent, at the next session of Congress.

Sec. 3. *And be it further enacted*, That there shall be appointed an additional judge of the Mississippi Territory, who shall reside in the eastern part thereof, and receive the same compensation as the other judges; and that the judge appointed by virtue of an act passed the twenty-seventh day of March, one thousand eight hundred and four, for the appointment of an additional judge for the Mississippi Territory, together with the judge appointed for Madison county, and the judge to be appointed by virtue of this act, shall possess and exercise exclusive original jurisdiction in the superior courts of Washington, Baldwin, Clarke, Monroe, Montgomery, Wayne, Green, Jackson, Mobile, Madison, and of such new counties as may be formed out of them, and shall arrange the same among themselves, from time to time: *Provided*, That no judge shall sit more than twice in succession in the same court, and that the other judges of the Mississippi Territory

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shall exercise; as heretofore authorized by an act of Congress, or of the Territorial Legislature, exclusive jurisdiction in the superior courts of the other counties. That a general court, to be composed of the judge appointed by virtue of the act of twenty-seventh of March, one thousand eight hundred and four, the judge appointed for Madison county, and the judge to be appointed by virtue of this act; or any two of them, shall be holden at St. Stephens, commencing on the first Mondays of January and July, annually, who shall have the same power of issuing writs of error to the superior courts of the counties mentioned in this section, or which shall hereafter be formed in the eastern division of the Territory, which was given by the act for the appointment of an additional judge, passed the year one thousand eight hundred and four, to the superior court of Adams district, and which shall possess, exclusively of the courts of the several counties, the federal jurisdiction given to the superior courts of the Territories, by an act passed the third day of March, one thousand eight hundred and five, entitled "An act to extend jurisdiction in certain cases to the Territorial courts."

SEC. 4. *And be it further enacted*, That the Governor, to be appointed under the authority of this act, shall, immediately after entering into office, convene, at the town of St. Stephens, such of the members of the Legislative Council and House of Representatives of the Mississippi Territory, as may then be the Representatives from the several counties within the limits of the Territory to be established by this act; and the said members shall constitute the Legislative Council and House of Representatives for the aforesaid Alabama Territory, whose powers, in relation to the said Territory, shall be, until the expiration of the term for which they shall have been chosen, or until Congress shall otherwise provide, the same in all respects as are now possessed by the Legislative Council and House of Representatives of the Mississippi Territory; and the said Legislative Council and House of Representatives of the Alabama Territory, so formed, shall have power to nominate six persons to the President of the United States, three of whom shall be selected by him for members of the Legislative Council, in addition to the number which the said Territory may possess agreeably to the foregoing provisions of this section. The said Legislative Council and House of Representatives shall also have power to elect a Delegate to Congress, who shall, in all respects, possess the same rights and immunities as other Delegates from Territories of the United States.

SEC. 5. *And be it further enacted*, That this act shall commence and be in force so soon as the convention, the appointment whereof has been authorized by Congress at their present session, shall have formed a constitution and State government for that part of the Mississippi Territory lying west of the Territory herein described; of which act of convention the Governor of the Mississippi, for the time being, shall give immediate notice to the President of the United States, who

shall thereupon forthwith proceed to the execution of the powers vested in him by the second section of this act; but in case said convention shall fail to form a constitution and State government, as aforesaid, then this act shall become null and void, except so far as relates to the third section thereof, which shall take effect and be in force from and after the passage of this act.

SEC. 6. *And be it further enacted*, That all persons who shall be in office, within the Territory hereby established, when the said convention shall have formed a constitution and State government, as aforesaid, shall continue to hold and exercise their offices in all respects as if this act had never been made; and the Governor and Secretary of the Mississippi Territory, for the time being, shall continue to exercise the duties of their respective offices in relation to the Territory hereby established, until a Governor and Secretary shall be appointed therefor, in pursuance to this act.

SEC. 7. *And be it further enacted*, That all judicial process in the said Territory of Alabama shall be issued and bear test as heretofore; nor shall any suit be discontinued or the proceedings of any cause stayed, or in any wise affected by anything contained in this act, or in the act entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States."

SEC. 8. *And be it further enacted*, That the town of St. Stephens shall be the seat of government for the said Alabama Territory, until it shall be otherwise ordered by the Legislature thereof.

SEC. 9. *And be it further enacted*, That whatever balance may remain in the treasury of the Mississippi Territory, at the time when the convention authorized to form a constitution and State government for the western part of said Territory, may have formed a constitution and State government for the same, shall be divided between the new State and Territory, according to the amount which may have been paid into said treasury from the counties lying within the limits of such State and Territory respectively.

Approved, March 3, 1817.

An Act to amend and explain an "Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."

Be it enacted, &c., That if any officer, seaman, or marine, belonging to the Navy of the United States, shall die, or shall have died, since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, in consequence of disease contracted, or of casualties or injuries received, while in the line of his duty, and which shall be satisfactorily proved to the Commissioners of the Navy Pension Fund, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if

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no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of the deceased: *Provided*, That such half-pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the Navy Pension Fund, under the direction of the Commissioners of that fund.

Approved, March 3, 1817.

An Act to set apart and dispose of certain public lands, for the encouragement of the cultivation of the vine and olive.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, under the direction of the President of the United States, to designate, and set apart, any four contiguous townships, each six miles square, of vacant public lands, lying in that part of the Mississippi Territory which was formed into a land district, by the act, entitled "An act for the ascertaining and surveying of the boundary lines fixed by the treaty with the Creek Indians, and for other purposes," passed on the third day of March, one thousand eight hundred and fifteen; and the four townships, so designated and set apart, shall be reserved from public and private sale, anything in the aforesaid act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to contract for the sale of the said four townships, which shall have been designated and set apart, as aforesaid, at the rate of two dollars per acre, to be made payable fourteen years after the contract shall have been concluded with any agent, or agents, of the late emigrants from France, who have associated together for the purpose of forming a settlement in the United States: *Provided*, That satisfactory evidence shall be produced that such agent, or agents, are duly authorized to form such contract, and that the number of such emigrants, being of full age, for which he or they are authorized to act, are equal at least to the number of half sections contained in the four townships proposed to be disposed of.

SEC. 3. *And be it further enacted*, That the said Secretary shall have power to make such allotment of the lands among the individuals, and to stipulate, in the proposed contract, for such conditions of settlement and cultivation of the vine, and other vegetable productions, as may to him appear reasonable; and that on the fulfilment of such conditions shall the issuing of grants, for the lands, be made to depend: *Provided*, That no patent shall be granted for any of the lands aforesaid, nor shall any title be obtained therefor, either at law or in equity, until

complete payment shall have been made for the whole four townships, and until they comply with the conditions of the contract, so to be made as aforesaid; nor shall a patent be granted for a greater quantity than six hundred and forty acres to any one person.

Approved, March 3, 1817.

An Act to authorize the appointment of a Surveyor for the public lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described.

Be it enacted, &c., That a surveyor of the lands of the United States, in the Mississippi Territory, lying north of an east and west line, to be drawn from the river Mississippi, through Fort Williams, to the western boundary line of the State of Georgia, shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause the lands abovementioned, which have not already been surveyed, and to which the Indian title has been extinguished, to be surveyed and divided in the manner provided by law for the surveying of the other public lands of the United States in the Mississippi Territory, to do and perform all such acts in relation to the said lands, to transmit plats of survey in the manner, and to fix the compensation of the deputy surveyor, chain-carriers, and axe men, under the same restrictions and limitations of expense in surveying, as is by law directed and provided for the regulation of the powers and duties of the surveyor of the lands south of the State of Tennessee, in relation to the other public lands in the Mississippi Territory. And the said surveyor, appointed in pursuance of this act, shall be entitled to receive, for his services, one thousand five hundred dollars, as an annual compensation.

SEC. 2. *And be it further enacted*, That all the lands of the United States in the Mississippi Territory, to which the Indian title has been extinguished, lying north of the aforesaid east and west line, and which has not heretofore been offered for sale, shall be attached to, and made a part of, the land district of Madison, in the said Territory.

SEC. 3. *And be it further enacted*, That all the lands, by this act attached to the district of Madison, after having been surveyed according to law, shall, with the exception of the section No. 16, in each township, which shall be reserved for the support of schools therein, and with the further exception of such sections, not exceeding ten in number, as the President shall designate, for the purpose of laying out and establishing towns thereon, be offered for sale to the highest bidder, under the direction of the register of the land office, and the receiver of public moneys, at the place where the land office is kept, and on such day, or days, as shall, by proclamation of the President of the United States, be designated for that purpose; the sales shall remain open two weeks, and no longer. The lands shall not be sold for less than two dollars an acre, and shall

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in every other respect be sold in tracts of the same size, and on the same terms, and conditions, as have been, or may be, provided for lands sold in the same district. All the lands offered for sale, and remaining unsold at the close of the said public sales, may be disposed of at private sale by the register of the land office, in the same manner, for the same price, and on the same terms, and conditions, as are, or may be, provided for the sale of other lands in the same district, and patents shall be granted in the same manner, and on the same terms, as for other lands in the said district.

SEC. 4. *And be it further enacted*, That the register and receiver of public moneys shall each receive five dollars, for each day's attendance in directing the public sales, directed by this act.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause the sections, reserved as aforesaid, for establishing towns thereon, to be laid off into lots, under the direction of the surveyor appointed as aforesaid; and when the survey of the lots shall be completed, plats thereof shall be transmitted to the Commissioner of the General Land Office, and the Register of the Land Office, and the lots shall be offered, to the highest bidder, at public sale, on such day or days as the President shall, by his proclamation, designate for that purpose, and shall be sold on the same terms and conditions, in every respect (except as to the quantity of land) as have or may be provided for the sale of the other public lands in the said district: *Provided*, That no lot shall be sold for a less price than at the rate of six dollars per acre; nor shall there be reserved for the purpose aforesaid more than one section in any one township.

Approved, March 3, 1817.

An Act to provide for reports of the decisions of the Supreme Court.

Be it enacted, &c., That the reporter who shall, from time to time, be appointed by the Supreme Court of the United States, to report its decisions, shall be entitled to receive, from the Treasury of the United States, as annual compensation for his services, the sum of one thousand dollars: *Provided, nevertheless*, The said compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of the said court, made during the time he shall act as such reporter, within six months after such decisions shall be made, and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States, and which copies shall be distributed as follows, to wit: to the President of the United States, the Judges of the Supreme Court, and the Judges of the District Courts, the Attorney General of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Comptroller of the Treasury, the Postmaster General, the Commis-

sioner of the Revenue, the Commissioner of the General Land Office, the Judges of the several Territories of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, the Auditor of the Treasury, the Register of the Treasury, the Treasurer of the United States, the Paymaster General, the Accountants of the War and Navy Departments, and to the Commissioners of the Navy, one copy each; and the residue of said copies shall be deposited in, and become part of, the Library of Congress.

SEC. 2. *And be it further enacted*, That, in case of the death, resignation, or dismission from office, of either of the officers beforementioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered up to, their respective successors in the said offices.

SEC. 3. *And be it further enacted*, That this act shall be, and continue, in force for three years, and no longer.

Approved, March 3, 1817:

An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the following named persons on the pension list of invalid pensioners of the United States, who shall be entitled to, and receive, pensions according to the rates, and commencing at the times, hereinafter mentioned, that is to say:

Johnson Cook, at the rate of four dollars per month, to commence on the twenty-seventh of November, one thousand eight hundred and sixteen.

Joseph Wilkinson, at the rate of eight dollars per month, to commence on the twenty-third of December, one thousand eight hundred and sixteen.

William Maxwell, at the rate of four dollars per month, to commence on the eighth of October, one thousand eight hundred and sixteen.

Elihu Lester, at the rate of eight dollars per month, to commence on the fifth of November, one thousand eight hundred and sixteen.

Daniel Collomy, at the rate of four dollars per month, to commence on the first of August, one thousand eight hundred and sixteen.

Benjamin Haile, at the rate of four dollars per month, to commence on the fifth of December, one thousand eight hundred and fifteen.

John Haney, at the rate of four dollars per month, to commence on the fifteenth of October, one thousand eight hundred and sixteen.

Uriah Warren, at the rate of four dollars per month, to commence on the fifth of December, one thousand eight hundred and sixteen.

Jonathan D. Carrier, at the rate of four dollars per month, to commence on the twenty-eighth of February, one thousand eight hundred and sixteen.

John Myers, at the rate of five dollars thirty-three and a third cents per month, to commence on the fifteenth of November, one thousand eight hundred and sixteen.

James Newberry, at the rate of four dollars

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per month, to commence the nineteenth of April, one thousand eight hundred and sixteen.

William Arnold, at the rate of four dollars per month, to commence on the twenty-third of October, one thousand eight hundred and sixteen.

R. J. Lowry, at the rate of eight dollars and fifty cents per month, to commence on the eleventh of February, one thousand eight hundred and sixteen.

Jesse McAnnally, at the rate of eight dollars per month, to commence on the eighteenth of July, one thousand eight hundred and fourteen.

Apheus Hill, at the rate of eight dollars per month, to commence on the first of January, one thousand eight hundred and sixteen.

Leroy Jones, at the rate of five dollars and thirty-two cents per month, to commence on the fifth of November, one thousand eight hundred and sixteen.

William Wilson, at the rate of four dollars per month, to commence on the fifth of November, one thousand eight hundred and sixteen.

John McClure, at the rate of four dollars per month, to commence on the tenth of September, one thousand eight hundred and sixteen.

Robert Warrel, at the rate of eight dollars per month, to commence on the ninth of September, one thousand eight hundred and sixteen.

William Carter, at the rate of five dollars thirty-three cents per month, to commence on the seventh of October, one thousand eight hundred and sixteen.

William English, at the rate of eight dollars per month, to commence on the ninth of September, one thousand eight hundred and sixteen.

Henry Doherty, at the rate of four dollars per month, to commence on the seventh of October, one thousand eight hundred and sixteen.

George Hendrick, at the rate of four dollars per month, to commence on the seventh of October, one thousand eight hundred and sixteen.

John Hinkson, at the rate of four dollars per month, to commence on the twentieth of September, one thousand eight hundred and sixteen.

Jeptha Brown, at the rate of four dollars per month, to commence on the fourteenth of December, one thousand eight hundred and sixteen.

John Miller, at the rate of eight dollars per month, to commence on the second of January, one thousand eight hundred and seventeen.

Aaron Stafford, at the rate of five dollars thirty-three cents per month, to commence on the eighth of January, one thousand eight hundred and seventeen.

Elias Ware, at the rate of four dollars per month, to commence on the sixteenth of January, one thousand eight hundred and seventeen.

Daniel Moffett, at the rate of four dollars per month, to commence on the twenty-fifth of August, one thousand eight hundred and fifteen.

Frederick P. Stevenson, at the rate of eight dollars and fifty cents per month, to commence on the sixth of January, one thousand eight hundred and seventeen.

Sion Holly, at the rate of five dollars and thirty-three cents per month, to commence on

the twenty-eighth of February, one thousand eight hundred and sixteen.

Robert Lyon, at the rate of four dollars per month, to commence on the eighth of November, one thousand eight hundred and fifteen.

Henry Turner, at the rate of five dollars and thirty-three cents per month, to commence on the seventh of December, one thousand eight hundred and sixteen.

Mark Miller, at the rate of four dollars per month, to commence on the sixteenth day of December, one thousand eight hundred and fifteen.

George G. Gretten, at the rate of two dollars and sixty-six cents per month, to commence on the first day of February, one thousand eight hundred and seventeen.

Glover Baker, at the rate of two dollars per month, to commence on the twenty-ninth of October, one thousand eight hundred and sixteen.

Nathan Crosby, at the rate of four dollars per month, to commence on the fourteenth of February, one thousand eight hundred and seventeen.

James Heard, at the rate of eight dollars and fifty cents per month, to commence on the twentieth of February, one thousand eight hundred and seventeen.

Joshua Penny, at the rate of six dollars per month, to commence on the twentieth day of February, one thousand eight hundred and seventeen.

Enoch Barnum, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and seventeen.

Malyne Baker, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and seventeen.

Reuben Thacker, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and seventeen.

SEC. 2. *And be it further enacted*, That the pensions of the following named persons, already placed on the pension list of the United States, be increased to the sums herein respectively annexed to their names; the said increase to commence at the times herein mentioned, and be in lieu of pensions they at present receive, that is to say:

Nicholas Welsh, at the rate of twenty-five dollars per month, to commence on the thirteenth day of June, one thousand eight hundred and fifteen.

George Shannon, at the rate of twelve dollars per month, commencing on the eleventh of September, one thousand eight hundred and sixteen.

Approved, March 3, 1817.

An Act to fix the Peace Establishment of the Marine Corps.

Be it enacted, &c., That the Peace Establishment of the Marine Corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: one lieutenant colonel commandant, nine captains, twenty-four first lieutenants, sixteen second lieutenants, one adjutant and inspector, one paymaster, and one quar-

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termaster, to be taken from the said captains and lieutenants, seventy-three corporals, forty-two drums and fifes, and seven hundred and fifty privates.

Sec. 2. And be it further enacted, That the President of the United States cause the provisions of this act to be carried into effect on the first day of April next, or as soon thereafter as circumstances will admit, and cause any supernumerary officers to be discharged from the service of the United States; and to all persons so discharged there shall be paid three months' additional pay.

Sec. 3. And be it further enacted, That the President of the United States may, in the recess of the Senate, appoint any of the officers authorized by this act, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

Approved, March 3, 1817.

An Act making an appropriation for opening and cutting out a road therein described.

Be it enacted, &c., That the sum of four thousand dollars be, and the same is hereby, appropriated, and payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of opening and cutting out a road from Reynoldsburgh, on Tennessee river, in the State of Tennessee, through the Chickasaw nation, to intersect the Natchez road near the south end of the Chickasaw old town, agreeable to the survey and marked lines heretofore made by Messrs. Johnson and Dickson, commissioners, appointed by the President of the United States; and that the opening of said road shall be under the direction of the Secretary of War.

Approved, March 3, 1817.

An Act for the relief of certain Creek Indians.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to cause the sum of eighty-five thousand dollars to be paid to the friendly Creek Indians, whose property was destroyed by the hostile Creek Indians in the late war, in fair and just proportions to the losses which they have severally sustained from such Indians, which amount shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act to authorize the Secretary of the Treasury to cause repayments to be made of certain alien duties.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause to be repaid, or remitted, all alien or discriminating duties, either upon tonnage or merchandise imported, in respect to all British vessels which have been entered in ports of the United States at any time between the seventeenth of August, one thousand eight hundred and fifteen, and the twenty-second of December, in the same year,

excepting only such duties as may have been paid or secured on the tonnage of ships, or upon the merchandise imported therein, which ships have been entered in the United States from a colony or district, into or with which vessels of the United States are not ordinarily permitted to enter and trade.

Approved, March 3, 1817.

An Act authorizing the payment of a sum of money to Nathaniel Seavey, and others.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of three hundred dollars in equal proportions to Nathaniel Seavey, Richworth Mason, and Daniel Tobey, of the State of Massachusetts, their agent, or legal representatives; which sum of three hundred dollars is paid to them as an evidence entertained by Congress of their valor and good conduct, in having recaptured the schooner Pink, in the late war with Great Britain, and made prisoners of the prize crew of said schooner, consisting of three British seamen; which prisoners were delivered to the collector of Wiscasset in the District of Maine; and also as compensation for the prisoners so taken.

Approved, March 3, 1817.

An Act for the relief of the widow and children of Arnold Henry Dohrman, deceased.

Be it enacted, &c., That there be, and hereby is, granted to Rachel Dohrman, widow of Arnold Henry Dohrman, late of Steubenville, in the State of Ohio, deceased, the sum of three hundred dollars, annually, during her life, payable quarterly, from and after the thirty-first day of December, one thousand eight hundred and sixteen.

Sec. 2. And be it further enacted, That there be, and hereby is, granted to each of the minor children of the said Dohrman, until they shall respectively arrive at the age of twenty-one years, the sum of one hundred dollars, payable quarterly, from and after the thirty-first day of December, one thousand eight hundred and sixteen; the said grants to the said minor children shall be received and applied for their support and education, and shall be accounted for in conformity to the laws that now are, or hereafter may be, in force in the State of Ohio, providing for the management of the estates of orphans.

Sec. 3. And be it further enacted, That the grants herein made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act for the relief of Asa Wells.

Be it enacted, &c., That there be paid to Asa Wells the sum of four hundred and eighty-eight dollars and ninety-five cents, on account of the costs incurred by him in the defence of suits brought against him for acts done in the dis-

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charge of his duty as an officer of the United States, and that the same be paid to the said Asa Wells out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act authorizing the payment of a sum of money to Teakle Savage, and others.

Whereas, during the late war, Captain Teakle Savage did volunteer his services and the use of his boat to the officers commanding at Hampton, in Virginia, and did, with the assistance of some of the militia stationed at that place, and in company with the revenue cutter commanded by Captain Ham, capture one launch and two barges belonging to the enemy, and make prisoners of one lieutenant, one midshipman, one boatswain, and fifty-two privates and marines; which boats were valued, by officers appointed by General Wade Hampton, commander at Norfolk, at the sum of two thousand six hundred and forty-five dollars, which boats and prisoners were delivered to the proper authority of the United States:

Be it therefore enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to the said Teakle Savage, the officers and men of the militia who served with him, and to the officers and crew of the revenue cutter aforesaid, or to the agent of such persons, or their legal representative, where any of them should be dead, the sum of four thousand and twenty dollars, to be divided among the said officers and men, conformably to the principles of the laws relating to the division of prize money.

Sec. 2. And be it further enacted, That the Secretary of the Treasury is hereby authorized to appoint an agent to distribute the money aforesaid, in the manner herein directed, to the several persons authorized to receive the same, upon their producing to the said agent satisfactory evidence that they are entitled thereto.

Approved, March 3, 1817.

An Act to repeal so much of any acts now in force as authorizes a loan of money, or an issue of Treasury notes.

Be it enacted, &c., That so much of any act, or acts, of Congress as authorizes the President of the United States to borrow money on the credit of the United States, and to cause certificates of stock to be issued for money so borrowed, be, and the same is hereby, repealed: *Provided always,* That nothing in this act contained shall be construed to invalidate, or in any way affect, any securities or claims for money heretofore borrowed under the said act.

Sec. 2. And be it further enacted, That so much of any act, or acts, of Congress as authorizes the President of the United States to cause Treasury notes to be prepared, signed, and issued, be, and the same is hereby, repealed: *Provided, always,* That nothing in this act contained shall

be construed to affect the rights of any persons who may be the holders of Treasury notes already issued.

Sec. 3. And be it further enacted, That so much of the act, entitled "An act to authorize the issuing of Treasury notes for the service of the year one thousand eight hundred and fifteen," as makes it lawful for the Secretary of the Treasury to cause the Treasury notes, in cases therein mentioned, to be reissued and applied anew to the same purposes, and in the same manner, as when originally issued, be, and the same is hereby, repealed.

Sec. 4. And be it further enacted, That all Treasury notes which are now, or shall hereafter become the property of the United States, (from reimbursement, purchase, exchange, or receipts, on account of taxes, duties, and demands,) shall be cancelled or destroyed at such times, and under such regulations and securities, as the Commissioners of the Sinking Fund, with the approbation of the President, shall establish and determine.

Approved, March 3, 1817.

An Act making additional appropriations to defray the expenses of the Army and Militia during the late war with Great Britain.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment, and those incurred by calling out the militia during the late war with Great Britain, in addition to the sums heretofore appropriated by law for these objects, the following sums be, and the same are hereby, appropriated, viz:

For the pay of the army and militia, including the sum of three hundred thousand dollars, exclusive of interest, advanced by the State of Pennsylvania for defraying the expenses of the militia of said State, during the late war, seven hundred and thirty thousand dollars.

For subsistence, two hundred thousand dollars.

For the Quartermaster's department, four hundred and fifty thousand dollars.

For the Ordnance department, one hundred and forty-four thousand dollars.

For the payment of balances due to certain States, on account of disbursements for militia employed in the service of the United States, during the late war, seven hundred and seventeen thousand dollars.

For paying the expenses incurred in ascertaining and surveying the boundary lines established by the treaty lately made with the Creek Indians, fifteen thousand dollars.

Sec. 2. And be it further enacted, That the several sums, hereby appropriated, be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act to provide for the redemption of the Public Debt.

Be it enacted, &c., That so much of any act or acts of Congress, as makes appropriations for

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the purchase or reimbursement of the principal, or for the payment of the interest, of the funded debt of the United States be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That from the proceeds of the duties on merchandise imported, and on the tonnage of vessels, and from the proceeds of the internal duties, and of the sales of Western lands, now belonging, or which may hereafter belong, to the United States, the annual sum of ten millions of dollars be, and the same is yearly, appropriated to the Sinking Fund; and the said sum is hereby declared to be vested in the Commissioners of the Sinking Fund, in the same manner as the moneys heretofore appropriated to the said fund, to be applied by the said Commissioners to the payment of interest and charges, and to the reimbursement or purchase of the principal of the public debt; and it shall be the duty of the Secretary of the Treasury annually to cause to be paid to the Commissioners of the Sinking Fund, the said sum of ten millions of dollars, in such payments, and at such times in each year, as the situation of the Treasury will best admit: *Provided*, That all such payments as may be necessary to enable the said Commissioners to discharge or reimburse any demands against the United States, on account of the principal or interest of the debt which shall be actually due in conformity to the engagements of the said United States, shall be made at such times in each year as will enable the said Commissioners faithfully and punctually to comply with such engagements: *Provided, also*, That any money which may have been paid, before the passage of this act, to the Commissioners of the Sinking Fund for the year one thousand eight hundred and seventeen, as a part of the annual appropriation heretofore made by law to that fund, shall be held to be a payment for the year one thousand eight hundred and seventeen, on account of the appropriation of ten millions hereinbefore directed.

SEC. 3. *And be it further enacted*, That in addition to the sum of ten millions of dollars, hereinbefore annually appropriated to the Sinking Fund, there shall be appropriated for the year one thousand eight hundred and seventeen, to the Sinking Fund, the further sum of nine millions of dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, at such time within the year as the Secretary of the Treasury shall deem most conducive to the public interest, to be applied by the Commissioners of the Sinking Fund to the purchase or redemption of the public debt; and it shall be lawful for the Secretary of the Treasury, at any time during the year one thousand eight hundred and seventeen, if he shall deem it expedient to do so, to cause to be paid to the Commissioners of the Sinking Fund a further sum, not exceeding four millions of dollars, which shall be considered as an advance to that amount, on the appropriation of ten millions, payable in the next year, and the said amount shall also be applied by the said Commissioners to the purchase or redemption of

the public debt, and the Commissioners aforesaid are authorized and directed to apply the sums by this act appropriated to the purchase and redemption of the public debt, holden by the Bank of the United States, if not otherwise to be obtained on the terms stated in this act.

SEC. 4. *And be it further enacted*, That after the year one thousand eight hundred and seventeen, whenever there shall be, at any time after an adjournment of Congress, in any year, a surplus of money in the Treasury, above the sums appropriated for the service of such year, the payment of which to the Commissioners of the Sinking Fund, will yet leave in the Treasury, at the end of the year, a balance equal to two millions of dollars, then such surplus shall be, and the same is hereby, appropriated to the Sinking Fund, to be paid at such times as the situation of the Treasury will best permit; and shall be applied, by the Commissioners thereof, to the purchase or redemption of the public debt.

SEC. 5. *And be it further enacted*, That whenever, in any year, there shall be a surplus in the Sinking Fund, beyond the amount of interest and principal, which may be actually due and payable by the United States, in such year, in conformity with their engagements, the Commissioners of the Sinking Fund shall be, and they are hereby, authorized, with the approbation of the President of the United States, to purchase the debt of the United States at its market price, if such price shall not exceed the following rates, viz: for stock of the United States, bearing an interest of three per centum, there shall not be paid more than sixty-five dollars for every hundred dollars of the principal thereof; for stock bearing an annual interest of six per centum per annum, there shall not be paid more than the par or true value thereof; and for stock bearing an annual interest of seven per centum, there shall not be paid an advance above the par value thereof, which shall exceed, for every hundred dollars of stock, the computed value of an annuity of one dollar for a number of years, equal to that during which the stock so purchased will not be reimbursable at the pleasure of Government, estimating, in such computation, the interest of money at six per centum per annum.

SEC. 6. *And be it further enacted*, That all certificates of public debt which, by payment or purchase, have become, or hereafter shall become, the property of the United States, shall be cancelled or destroyed, at such times, and under such regulations and securities, as the Commissioners of the Sinking Fund, with the approbation of the President, shall establish and determine. And no interest shall be considered as accruing, and no payment shall be made, on account of such debt, the certificates of which have been so cancelled and destroyed.

SEC. 7. *And be it further enacted*, That nothing in this act contained, shall be construed to prevent the Congress of the United States, if war shall occur with any foreign Power, from applying, to any object of public service, any surplus of the amount herein appropriated to the Sinking

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Fund, which may be left in any year after paying the interest and principal which may be actually due and payable by the United States, in conformity with their engagements. Nor shall anything in this act be construed to repeal, alter, or affect any of the provisions of any former act, pledging the faith of the United States to the payment of the interest or principal of the public debt, but all such payments shall continue to be made at the time heretofore prescribed by law, excepting only as before provided, and no payments shall be made on certificates which have become the property of the United States.

Approved, March 3, 1817.

An Act making provision for the location of the lands reserved by the first article of the treaty of the 9th of August, one thousand eight hundred and fourteen, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes.

Be it enacted, &c., That the chiefs and warriors of the Creek nation who, by virtue of the first article of the treaty of the ninth of August, one thousand eight hundred and fourteen, between the United States and that nation of Indians, are entitled to a reservation of land, which shall include their improvements, shall be authorized to locate said reservation in the following manner, viz :

Every such chief or warrior shall and may select such four quarter sections, or such number of quarter sections and fractional parts of sections, not exceeding six hundred and forty acres of land, as have been or may be surveyed, in pursuance of the act of Congress, passed the third day of March, one thousand eight hundred and fifteen, and as shall include their respective improvements. And in case such chief or warrior shall have resided at one place, and cultivated a farm or plantation at another place, he may, at his option, select such quarter sections and fractional parts of sections, as shall include his said separate improvements: *Provided, however,* That the lands so selected shall enure to such chief or warrior, so long only as he shall continue to occupy and cultivate the same; and, in case he shall not have abandoned the possession, shall, on his decease, descend to and vest in his heirs in fee simple, reserving to the widow of such chief or warrior the use and occupation of one-third part of said lands, during her natural life.

Sec. 2. And be it further enacted, That when any chief or warrior, so entitled to a reservation of land at the time of the signing of the treaty, shall have since died, and left a widow and child or children, who has or have continued to occupy and cultivate the said land, they shall have the right of selection in the same manner as the original claimant would have, if he were living; and the title of the lands, so selected, shall be a fee simple title in the child or children, reserving to the widow, if any, the use and occupation of one-third of the land during her life: *Provided, however,* That the said child or children shall not

have the power to alienate the said lands, except by devise, until each and every one of them shall have arrived at the age of twenty-five years.

Sec. 3. And be it further enacted, That the descendant of any native Creek Indian, male or female, who, at the commencement of the late war with the hostile Creeks, occupied and cultivated a farm or plantation; who continued friendly to the United States during that war; and who, after the termination of hostilities, returned to, and has continued to occupy and cultivate, the said farm or plantation, shall be entitled to a reservation of two quarter sections of land, to be selected in the manner stated in the first section of this act, which land shall enure to them so long as they shall continue to occupy and cultivate the same; and, on their death shall descend, in fee, to their children; and on failure of children, shall revert to the United States, reserving, however, to the husband or widow, as the case may be, the right to occupy and cultivate one-third part of the lands during their natural lives.

Sec. 4. And be it further enacted, That the child or children of any chief or warrior of the Creek nation, who resided within the limits of the said ceded country, at the commencement of the late Creek war, and who was killed or died in the service of the United States, during said war, or who has since died of wounds received therein, shall be entitled, without payment, to a reservation of so much land as such chief or warrior would have been entitled to, had he been living at the time said treaty was signed; which land shall be located in the manner prescribed by the first section of this act.

Sec. 5. And be it further enacted, That, for the purpose of carrying into effect the provisions of this act, the agent of the United States for the Creek nation shall immediately proceed to take such evidence as each and every person, who may be entitled to lands under the provisions of it, shall be able to adduce in support of such title. The evidence shall, as far as practicable, be taken by the agent on the land occupied by such claimant; and in all cases where he shall be of opinion that the claim is a valid one, the quarter sections, including the improvements, shall be designated as provided for in the first section of this act; and the agent shall, without delay, return to the Secretary of the Treasury the evidence taken in each case, reserving a copy thereof, together with the names of the claimants, and the numbers of the quarter sections reserved for them, respectively. And the Secretary of the Treasury, with the approbation of the President, shall finally decide on the validity of such claim.

Sec. 6. And be it further enacted, That the agents shall transmit, without delay, to the register of the land office for the district in which the lands may be, a statement of the names of the claimants, and the numbers of the quarter sections which have been reserved for each claimant; and the register of the land office shall not offer any such quarter section for sale, unless

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especially directed otherwise by the Secretary of the Treasury.

Sec. 7. And be it further enacted, That the agent of the United States shall be allowed, in addition to his salary, the sum of three dollars per day, whilst occupied in performing the duties assigned to him by this act; and he shall be authorized to employ a surveyor, in those cases where it may be necessary, for the purpose of ascertaining the quarter sections of the land to be allotted to each claimant.

Sec. 8. And be it further enacted, That the expenses which shall be incurred in carrying into effect this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and seventeen.

Be it enacted, &c., That, for defraying the expenses of the Navy, for the year one thousand eight hundred and seventeen, the following sums be, and they are hereby, respectively, appropriated, that is to say:

For pay and subsistence of the officers, and pay of seamen, one million ninety-two thousand seven hundred and thirty-two dollars.

For provisions, four hundred and ninety-six thousand seven hundred and sixty-five dollars.

For medicine, hospital stores, and all expenses on account of sick, including those of the marine corps, ten thousand dollars.

For repairs of vessels, three hundred and twenty-five thousand dollars.

For ordnance, ammunition, and military stores, one hundred thousand dollars.

For the purchase of saltpetre and sulphur, twenty thousand dollars.

For navy yards, docks, and wharves, one hundred and fifty thousand dollars.

For contingent expenses, including freight, transportation, and recruiting expenses, three hundred and fifty thousand dollars.

For expenses in procuring gold and silver medals and swords, in conformity with sundry resolutions of Congress, fifteen thousand dollars.

For pay and subsistence of the marine corps, one hundred and eighty-seven thousand three hundred and eight dollars.

For clothing for the same, thirty-four thousand one hundred and sixty-six dollars.

For military stores for the same, one thousand one hundred and eighty-eight dollars.

For contingent expenses for the same, fourteen thousand dollars.

Sec. 2. And be it further enacted, That the several appropriations, hereinbefore made, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act to provide for the punishment of crimes and offences committed within the Indian boundaries.

Be it enacted, &c., That if any Indian, or other

person or persons, shall, within the United States, and within any town, district, or territory, belonging to any nation or nations, tribe or tribes, of Indians, commit any crime, offence, or misdemeanor, which, if committed in any place or district of country under the sole and exclusive jurisdiction of the United States, would, by the laws of the United States, be punished with death, or any other punishment, every such offender, on being thereof convicted, shall suffer the like punishment as is provided by the laws of the United States for the like offences, if committed within any place or district of country under the sole and exclusive jurisdiction of the United States.

Sec. 2. And be it further enacted, That the superior courts in each of the territorial districts, and the circuit courts and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with, full power and authority to hear, try, and punish, all crimes, offences, and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: *Provided,* That nothing in this act shall be so construed as to affect any treaty now in force between the United States and any Indian nation, or to extend to any offence committed by one Indian against another, within any Indian boundary.

Sec. 3. And be it further enacted, That the President of the United States, and the Governor of each of the territorial districts where any offender against this act shall be apprehended or brought for trial, shall have, and exercise, the same powers, for the punishment of offences against this act, as they can severally have and exercise by virtue of the fourteenth and fifteenth sections of an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed thirtieth March, one thousand eight hundred and two, and for the punishment of offences therein described.

Approved March 3, 1817.

An Act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said District.

Be it enacted, &c., That, from and after the passage of this act, all those persons who shall hold any share of the joint stock, or funds, created in pursuance of certain articles of association, made and entered into on the first Monday in February, in the year eighteen hundred and fourteen, between sundry persons forming a company or limited partnership, under the name and style of the President and Directors of the Farmers and Mechanics' Bank of Georgetown, and their successors, being stockholders as aforesaid, shall be, and they are hereby, incorporated, and

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made a body corporate and politic, by the name and style of the "Farmers and Mechanics' Bank of Georgetown;" and as such shall continue until the first day of January, one thousand eight hundred and twenty-two, and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, and any other place whatsoever; and by that name may have and hold, purchase, receive, possess, enjoy, and retain, lands, rents, tenements, hereditaments, goods, chattels, and effects, of what nature, kind, or quality soever, and the same may sell, grant, demise, alien, and dispose of, and by that name shall have, during the continuance of this act, succession, and may make, have, and use, a common seal, and the same may break, alter, and renew at pleasure; and shall have power to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law, nor the Constitution thereof; and generally to do and execute all acts necessary or proper for the objects of said incorporation; subject to the rules, regulations, restrictions, limitations, and provisions, herein described and declared.

SEC. 2. *And be it further enacted*, That the capital stock of the said bank shall consist of five hundred thousand dollars, money of the United States, to be divided into shares of twenty-five dollars each.

SEC. 3. *And be it further enacted*, That the said bank shall transact its business in Georgetown.

SEC. 4. *And be it further enacted*, That the affairs of the said bank shall be conducted by twelve directors and a president, whose place, if chosen from among their number, shall be supplied by that body. Six of the directors, with the president, shall form a board or quorum for transacting all the business of the company; but the ordinary discounts may be done by the president and three directors. In case of his sickness or necessary absence, his place may be supplied by any director whom he, by writing under his hand, may nominate for that purpose; or, in case of his not making such nomination, the board may appoint a president to act during his absence. The president and directors who may be in office under the said articles of association at the time of the passage of this act, shall continue in office under and by virtue of this act of incorporation, until others shall be duly chosen in their stead. No person shall be a director, or president, who is not a citizen of the United States and a stockholder; and a director, ceasing to be a stockholder, shall cease to be a director; and no person, a director of another bank, shall be a director of this bank. Every stockholder, being a citizen of the United States, shall be entitled to vote, by himself, his agent, or proxy, appointed under his hand and seal, at all elections in virtue of this act; and shall have as many votes as he shall have shares, as far as thirty shares; and, from thirty to sixty, one vote for every two shares; and one vote for

every five shares thereafter. No person, who is not a citizen of the United States, shall be entitled to vote in any election of this corporation: *Provided, nevertheless*, That this section may, at any time hereafter, be altered or amended by Congress, in such manner as they may see fit, so as to provide for an annual rotation of directors.

SEC. 5. *And be it further enacted*, That a general meeting of stockholders of the said bank shall be holden on the first Monday of July, in the year eighteen hundred and seventeen, and on the first Monday of July in every year thereafter, at such place as the president and directors may appoint, by giving four weeks notice in two or more of the newspapers of the District, for the purpose of electing directors for the ensuing year, who shall meet on the day succeeding their election, and shall immediately proceed to choose a president; and the president and directors, for the time being, shall continue in office until others shall be duly elected in their places, and be organized, by the assembling of a quorum, and the choice of a president. At all elections the persons having the greatest number of votes shall be deemed to be chosen. All elections shall be held under the superintendence of the president of the board for the time being, and four stockholders, not being at the time directors, appointed by the board of directors, any three of whom shall be the judges thereof. They shall immediately thereafter notify the persons elected to meet the ensuing day at the bank, and shall make a return of persons elected at their first meeting. Should two or more persons have the same number of votes, the other individuals elected directors shall determine by ballot, from among said persons, who shall be the director or directors. All elections shall be opened at ten o'clock in the forenoon, and close at three in the afternoon.

SEC. 6. *And be it further enacted*, That the president and directors shall have full power to make, revise, alter, and annul, all such rules, orders, by-laws, and regulations, for the government of said corporation, and that of its officers, servants, and affairs, as they shall from time to time think expedient; and to use, employ, and dispose of the capital stock, funds, and property of said bank, for the interest and benefit of the stockholders, subject only to the restrictions herein contained; but the said bank shall not take for discounting any bill or note, more than at the rate of six per centum per annum, upon the amount due by such bill or note.

SEC. 7. *And be it further enacted*, That all promissory notes, bills of exchange, drafts, checks, and receipts, for the payment of money, made on behalf of said bank, signed by the president, and countersigned and attested by the cashier, shall be obligatory on the said body corporate, and shall possess the like qualities as to negotiability, and the holders thereof shall have the like actions thereupon, as if such promissory notes, bills of exchange, drafts, checks, or receipts, had been made by, or on behalf of, a natural person.

SEC. 8. *And be it further enacted*, That the books, papers, correspondence, and funds of the

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bank shall, at all times, be subject to the inspection of the directors.

SEC. 9. *And be it further enacted*, That the president and directors shall have power to appoint a cashier, and all other officers and servants, for executing the business of said bank, and to establish the compensation to be made to the president, and all other officers or servants of the said bank, respectively, but no compensation shall be given to a director for his services, except by a vote of the stockholders in a general meeting.

SEC. 10. *And be it further enacted*, That the president and directors shall have power to call a general meeting of the stockholders, for purposes concerning the interest of the bank, giving at least six weeks' notice in one or more of the newspapers of the District, specifying in such notice the object or objects of such meeting.

SEC. 11. *And be it further enacted*, That the shares of the capital stock at any time owned by an individual stockholder, shall be transferrable only on the books of the bank, according to such rules as may, conformably to law, be established in that behalf by the president and directors; but all debts actually due and payable to the bank (days of grace for payment being passed) by a stockholder requesting a transfer, must be satisfied before such a transfer shall be made, until the president and directors shall direct to the contrary.

SEC. 12. *And be it further enacted*, That the dividends of the profits of the company, or so much of said profits as shall be deemed expedient and proper, shall be declared half yearly in the first week in July and January, in each year; the amount of said dividend shall, from time to time, be determined by the president and directors, and shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock of said company shall never be impaired by dividends.

SEC. 13. *And be it further enacted*, That if the said directors shall, at any time, wilfully and knowingly make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring of said dividend, and consenting thereto, shall be liable, in their individual capacities, to the company for the amount or proportion of said capital stock so divided by the said directors; and each director, who shall be present at the making or declaring of such dividend, shall be deemed to have consented thereto, unless he shall immediately enter, in writing, his dissent on the minutes of the proceedings of the board, and give notice thereof to the Secretary of the Treasury of the United States.

SEC. 14. *And be it further enacted*, That the bank shall, in no case, buy and sell the funded debt of the United States, or of any State, or be owners of any ships or vessels, or directly or indirectly be concerned in trade, or the importation, purchase or sale of any goods, wares, or merchandise whatever, except bills of exchange, or bullion, and such ships, vessels, goods, wares, or merchan-

dise, as shall be truly pledged to them by way of security, for debts due, owing, or growing due to the said bank, or purchased by it to secure such debts: *Provided, nevertheless*, That the said bank may sell and dispose of either the whole or any part of the funded debt of the United States, which it now holds.

SEC. 15. *And be it further enacted*, That the said bank shall not purchase or hold lands, tenements, or other real estate, other than what may be necessary for the convenient transaction of its business, unless such lands, tenements, and real estates, shall have been bona fide mortgaged to the bank by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of dealings, or purchased to secure debts contracted with, or due to, the bank; and in every instance in which the bank may become the owners or claimants of lands, tenements, or real estates, the president and directors are empowered to sell or dispose of the same, in such manner as they may deem beneficial for the said bank.

SEC. 16. *And be it further enacted*, That if any vacancies shall, at any time, happen among the directors, by death, resignation, or otherwise, the rest of the directors, for the time being, shall elect a director to fill the vacancy.

SEC. 17. *And be it further enacted*, That if any number of stockholders, not less than twenty, who shall be proprietors of not less than four thousand shares, may, for any purposes relative to the institution, at any time, apply to the president and directors to call a general meeting of the stockholders; and if by them refused, the said number of stockholders, proprietors of not less than the number of shares aforesaid, shall have power to call a general meeting of the stockholders, giving at least sixty days notice in two or more of the public newspapers of the District, specifying in such notice the object or objects of such call.

SEC. 18. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, at a meeting to be called in such manner as shall be prescribed by the laws and ordinances of said corporation.

SEC. 19. *And be it further enacted*, That it shall be the duty of the president and directors of the said bank to exhibit, on the first Monday in January in each year, or oftener if required, a statement of the debts, credits, and funds of the bank, to the Secretary of the Treasury of the United States, whose duty it shall also be to state to Congress, immediately thereafter, his opinion as to the solidity of said bank, and the causes of danger, if any, arising from the improper management thereof.

SEC. 20. *And be it further enacted*, That if the said bank shall at any time refuse to pay, on demand, any bill, note, or obligation issued by said bank, in lawful currency of the United States, if required, or shall neglect or refuse to pay on de-

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mand in like currency, if required, any moneys received by said bank on deposit, to the person or persons entitled to receive the same, then and in such case the holder of any such note, bill, or obligation, or the person or persons to demand and receive such deposit as aforesaid, shall respectively be entitled to receive and recover interest on the same at the rate of ten per centum per annum, from the time of demand until the same be fully paid and satisfied. *And further*, It shall be lawful for Congress forthwith to revoke and declare this charter null and void.

Sec. 21. *And be it further enacted*, That unless the president and directors, for the time being, of the said bank, on the part of the stockholders, file their declaration in writing in the office of the Secretary of the Treasury, within thirty days from the time of passing this act, assenting to and accepting the charter granted by this act, upon the terms and conditions herein expressed, this act shall have no force or effect, and the charter hereby granted shall be void.

Sec. 22. *And be it further enacted*, That if the whole amount of the capital aforesaid of said bank, shall not have been paid in, on or before the first day of January, in the year one thousand eight hundred and nineteen, then the capital stock shall be limited to the sum which shall at that time be paid in, and the books of subscription be thenceforth closed immediately, after which it shall be the duty of the president and directors to certify to the Secretary of the Treasury the whole amount of the capital of said bank so paid in.

Sec. 23. *And be it further enacted*, That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the president and directors of the "Central Bank of Georgetown and Washington," and their successors, shall be, and are hereby, incorporated with the like capital, and limitation thereof, and with the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Central Bank of Georgetown and Washington, and the president and directors thereof, shall be subject to the rules, duties, regulations, conditions, and impositions, and be vested with the like rights, privileges, and immunities, as a body corporate, as appertain to the said Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Central Bank of Georgetown and Washington.

Sec. 24. *And be it further enacted*, That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a company, or limited partnership, under the name and style of the "President and Directors of the Bank of the Metropolis," and their successors shall be, and are

hereby, incorporated, with the like capital and limitation thereof, with the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Bank of the Metropolis, and the president and directors thereof, shall be subject to the like rules, duties, regulations, conditions, and impositions, and be vested with the like rights, privileges, and immunities, as a body corporate, as appertains to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted with express reference to the said Bank of the Metropolis.

Sec. 25. *And be it further enacted*, That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a limited copartnership, under the name and style of the "Patriotic Bank of Washington," and their successors, shall be, and are hereby, incorporated, with the like capital and limitation thereof, the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Patriotic Bank of Washington, and the president and directors thereof, shall be subject to the rules, duties, regulations, conditions and impositions, and be vested with the like rights, privileges and immunities, as a body corporate, as appertain to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Patriotic Bank of Washington.

Sec. 26. *And be it further enacted*, That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the "President and Directors of the Real Estate Bank of the United States," and their successors, shall be, and are hereby, incorporated, under the name and style of the "Franklin Bank of Alexandria," with the like capital and limitation thereof, with the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Franklin Bank of Alexandria, and president and directors thereof, shall be subject to the rules, duties, regulations, conditions and impositions, and be vested with the like rights, privileges and immunities, as a body corporate, as appertain to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Franklin Bank of Alexandria.

Sec. 27. *And be it further enacted*, That all those persons, their legal representatives and as-

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signs, who have heretofore subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the "Union Bank of Alexandria," and their successors, shall be, and are hereby, incorporated, with the like capital and limitation thereof, the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Union Bank of Alexandria, and the president and directors thereof, shall be subject to the duties, rules, regulations, conditions and impositions, and be vested with the like rights, privileges, and immunities, as a body corporate, as appertain to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Union Bank of Alexandria.

SEC. 28. *And be it further enacted*, That nothing in this act contained shall be construed to exonerate or discharge any member of any of the aforesaid associations, or the funds thereof, from any liability to creditors under any existing contract, or on account of any note, bill, or obligation, issued or in existence when this act shall take effect, but such liability shall remain in relation to all such notes, bill, obligations, or contracts, as if this act had not been passed.

SEC. 29. *And be it further enacted*, That, from and after the fourth day of April next, it shall not be lawful for any unchartered banking company, or any association, partnership, or company of individuals, within the District of Columbia, to discount any notes, or other securities, for the payment of money, or to issue notes or bills, whether payable to order or bearer, or any other securities, promises, or orders, for the payment of money or stock; and every member, officer, or agent, of any such company, or associate or partner of any such association or partnership, shall be held to be guilty of a misdemeanor, and for every such offence, upon conviction thereof, may be fined in a sum not less than one hundred dollars, nor more than five hundred dollars.

SEC. 30. *And be it further enacted*, That whoever, as president, cashier, or agent, of any such company, or as associate or partner of any such association or partnership, shall, after the said fourth day of April next, sign, countersign, or endorse, any such note, bill, or security, contrary to the provisions of this act, shall, in addition to the aforesaid penalties, be held to be guilty of a high misdemeanor, and may be imprisoned for a period not less than three, nor more than twelve months, at the discretion of a jury.

SEC. 31. *And be it further enacted*, That all drafts, bills, or other securities, for the payment of money, discounted contrary to the provisions of this act, whether the same be payable to any such company, association or partnership, or to any person, as agent or trustee for such company, association or partnership, or for the benefit thereof, and all contracts, bonds, deeds, penal or

single bills, or other instrument, given to reimburse or indemnify any person for any payment or responsibility incurred by such person for any debt contracted by any dealing, contrary to the true intent and meaning of this act, shall be, and the same are hereby declared to be, utterly void to all intents and purposes.

SEC. 32. *And be it further enacted*, That if any person, as president, cashier, teller, or other officer, or agent of any such banking company, or as associate or partner in any such association or partnership, shall, from and after the said fourth day of April next, issue or pass into circulation any such note, bill, draft, or other security, hereby prohibited to be issued, together with every person assenting thereto, shall be deemed and taken to have incurred the penalties of this act, notwithstanding the note, bill, or other security, so issued, may have been signed, countersigned, and endorsed, before the commencement of this act.

Approved, March 3, 1817.

An Act making further provision for repairing the public buildings, and improving the public square.

Be it enacted, &c., That, for the purpose of repairing the public buildings, a sum not exceeding one hundred thousand dollars be, and the same is hereby, appropriated, to be applied, by the Commissioner, under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That, for the purpose of completing the enclosure and improvement of the public square, near the Capitol, a sum not exceeding thirty-eight thousand six hundred and fifty-eight dollars be, and the same is hereby, appropriated, to be applied under the same direction as aforesaid.

SEC. 3. *And be it further enacted*, That the moneys so appropriated shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the Commissioner of the Public Buildings be authorized to extend the enclosure round the semi-circular area west of the Capitol.

Approved, March 3, 1817.

An Act supplementary to an act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Be it enacted, &c., That nothing contained in the act of the third of March, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy yards, or buildings of any sort, or to munitions of war, or to the pay of the Army or Navy, to be applied to any other object of public expenditure.

Approved, March 3, 1817.

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An Act for the relief of the widow and children of Abraham Owen.

Be it enacted, &c., That the widow and children of Abraham Owen, late a volunteer aid-de-camp of General William H. Harrison, shall be entitled to all the benefits of the second section of an act of Congress, approved the tenth day of April, one thousand eight hundred and twelve, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash;" and that they be allowed the same sum of money to which they would have been entitled had the rank of major been regularly assigned to the said Abraham Owen.

SEC. 2. *And be it further enacted,* That the said allowance be paid to the said widow and children, according to the provisions of the said act, out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act allowing further time for entering donation rights to lands in the district of Detroit.

Be it enacted, &c., That the claimants to certain donation rights to land in the district of Detroit, granted by the second section of an act, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," passed the twenty-third of April, one thousand eight hundred and twelve, be, and they are hereby, allowed until the first day of December, one thousand eight hundred and eighteen, to file their claims with the register of the land office, for the district aforesaid.

Approved, March 3, 1817.

An Act to provide for the due execution of the laws of the United States within the State of Indiana.

Be it enacted, &c., That all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said State of Indiana as elsewhere within the United States.

SEC. 2. *And be it further enacted,* That the said State shall be one district, and be called the Indiana District; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold, at the seat of government of the said State, two sessions annually, on the first Mondays in May and November, and he shall, in all things, have and exercise the same jurisdiction and powers which were, by law, given to the judge of the Kentucky district, under an act, entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for the said district, who shall reside and keep the records of the court at the place of holding the same; and shall receive, for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. *And be it further enacted,* That there shall be allowed to the judge of the said district court the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarter yearly at the Treasury of the United States.

SEC. 4. *And be it further enacted,* That there shall be appointed in the said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars, as a full compensation for all extra services.

SEC. 5. *And be it further enacted,* That a marshal shall be appointed for said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed to marshals in other districts; and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Approved, March 3, 1817.

An Act to authorize the extension of the Columbia Turnpike Road within the District of Columbia.

Be it enacted, &c., That the Columbia Turnpike Road Company, incorporated by an act of the General Assembly of Maryland, passed the sixth day of January, one thousand eight hundred and ten, entitled "An act to incorporate a company to make a turnpike road from near Ellicott's lower mills towards Georgetown, in the District of Columbia," be, and they are hereby, authorized and empowered to extend the said road from its intersection with the line of the District of Columbia to Rock Creek near Georgetown, and to locate and complete the same in the nearest and most practicable direction, and in the manner required by the twelfth section of the act of Assembly of Maryland, hereinbefore mentioned.

SEC. 2. *And be it further enacted,* That the said company may demand, and receive, the same tolls as are allowed for a like distance by the act of Assembly of the State of Maryland, incorporating the said company, and shall possess and enjoy the same privileges, and be subject to the same limitations, pains, and penalties, as by the said act are prescribed, enjoined, and directed: *Provided always, and be it further enacted,* That if the said company shall fail or neglect to extend, locate, and improve, the said road in the direction, and in the manner, authorized and required by this act, within five years, to commence from the first day of May next ensuing the passage of this act, then, and in that case, the authority and privileges hereby granted shall be, and they are hereby declared to be, forfeited and withdrawn, and this act shall cease and be of no effect.—Approved, March 3, 1817.

An Act respecting the District Court of the United States in the northern district of New York.

Be it enacted, &c., That, from and after the passage of this act, the district court of the Uni-

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ted States, within and for the northern district of New York, shall be holden by the judges of said northern district, together with the judge of the district court of the United States for the southern district of said State: *Provided, nevertheless*, That either of the said judges shall be competent to hold said court in the absence of the other.

Sec. 2. *And be it further enacted*, That the district court of the United States, within and for said northern district, shall be holden at the village of Utica, on the third Tuesday of January, and second Tuesday of July; at Canandaigua on the second Tuesday of October; and at Salem on the third Tuesday of April, in each year: And all suits and proceedings in said court shall be revived and continue in full force, in the same manner as if the said court had been adjourned to the term next to be holden by virtue of this act.

Sec. 3. *And be it further enacted*, That, during the continuance of this act, there shall be paid to the judge of the district court of said southern district, in addition to his present salary, the annual sum of one thousand dollars, as compensation for the duties required to be performed under this act.

Sec. 4. *And be it further enacted*, That this act shall be in force one year, and no longer.

Approved, March 3, 1817.

An Act respecting the assessment and collection of the Direct Tax.

Be it enacted, &c., That in all cases in which appeals have been taken, and the same shall not have been legally acted on by a principal assessor, in any collection district, in regard to the enumerations, valuations, or revisions, of property, subject to the direct tax, the Secretary of the Treasury shall be, and he is hereby, authorized to direct the said appeals to be acted on by the principal assessor of such collection district, and such appeals shall be conducted, as nearly as may be, in conformity with the provisions of the act "to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," passed the ninth day of January, one thousand eight hundred and fifteen, so far as respects the direct tax imposed in that year, and with the provisions of an act supplementary thereto, passed the twenty-sixth day of April, one thousand eight hundred and sixteen, so far as respects the direct tax imposed in that year.

Sec. 2. *And be it further enacted*, That all deeds for real estate, sold for taxes by any designated collector, or by the collector for the District of Columbia, shall be made, executed, and acknowledged, by such collector, or proved in due form; and for every such deed the purchaser, or grantee, shall pay to the said collector, for his use, the sum of one dollar.

Sec. 3. *And be it further enacted*, That, to

defray the expenses authorized by this act, there is hereby appropriated a sum not exceeding five thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act making appropriation for carrying into effect certain Indian treaties, and for other purposes.

Be it enacted, &c., That, for the purpose of defraying the expenses which may arise in carrying into effect the treaty made between the United States and the tribes of Indians called the Ottowas, Chippewas, Pottowatomies, Chickasaws, Cherokees, and Chactaws; that is to say: with the Ottowas, Chippewas, and Pottowatomies, at St. Louis, on the twenty-fourth of August, one thousand eight hundred and sixteen; with the Chickasaws, at the Chickasaw council house, on the twenty-eighth of September, one thousand eight hundred and sixteen; with the Cherokees, at Turkeytown, on the fourth of October, one thousand eight hundred and sixteen, the following sums, to be paid out of any moneys in the Treasury, not otherwise appropriated, be, and the same are hereby, appropriated, for the payment of the annuities to the Indians, as stipulated in the said treaties, that is to say: to the Ottowas, Chippewas, and Pottowatomies, one thousand dollars, annually, for twelve years; to the Chickasaws, twelve thousand dollars annually, for twelve years; and to William Colbert, a Chickasaw chief, one hundred dollars, annually, for and during his life; to the Cherokees, six thousand dollars, annually, for ten years; and to the Chactaws, six thousand dollars, annually, for twenty years.

Sec. 2. *And be it further enacted*, That, for the purpose of carrying into effect certain other stipulations in the said treaties, the following sums be, and they are hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, that is to say: to carry into effect the treaty with the Chickasaws, as aforesaid, the sum of seven thousand three hundred and fifty dollars; to carry into effect the treaty with the Cherokees, the sum of five thousand dollars; and to carry into effect the treaty with the Chactaws, the sum of ten thousand dollars.

Sec. 3. *And be it further enacted*, That there be, and is hereby, appropriated the following sums, viz: For the salary of the second comptroller, three thousand dollars; for the salaries of four additional auditors, twelve thousand dollars; for the salaries of additional clerks in the offices of the second comptroller, and additional auditors, nine thousand dollars.

Approved, March 3, 1817.

An Act to continue in force an act, entitled "An act relating to settlers on lands of the United States."

Be it enacted, &c., That an act, entitled "An act relating to settlers on the lands of the United States," passed the twenty-fifth of March, one thousand eight hundred and sixteen, be, and the

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same is hereby, continued in force for one year from and after the passage of this act.

Approved, March 3, 1817.

An Act to amend the act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," passed the fifth of March, one thousand eight hundred and sixteen.

Be it enacted, &c., That, from and after the passing of this act, no bounty in land shall be given to any Canadian volunteer, except where it shall appear that the full term of six months' service shall have been performed in some corps in the United States service, and whose name shall appear upon the muster-rolls of such corps: *Provided,* That where it shall appear that the said term of service had not been performed by reason of wounds received in battle, or other disabilities, occasioned by the performance of his duty while in such corps, such claimant shall be considered as having performed the full term of service for which he had engaged.

SEC. 2. *And be it further enacted,* That all warrants issued in pursuance of the act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," and which have not been located, and those which shall be issued in pursuance of this act, shall be located on such lands as have been offered at public sale according to law, and no other.

SEC. 3. *And be it further enacted,* That, instead of the bounty given in the act hereby amended, the following rates shall be given: For a colonel, four hundred and eighty acres; for a major, four hundred and eighty acres; for a captain, three hundred and twenty acres; for a subaltern, three hundred and twenty acres; to a non-commissioned officer, musician, or private, one hundred and sixty acres; and to the medical and other staff, in proportion to their pay.

SEC. 4. *And be it further enacted,* That all such parts of the act hereby amended, as shall be inconsistent with, or contravene, the provisions of this act, are hereby repealed.

SEC. 5. *And be it further enacted,* That this act, together with the act hereby amended, shall continue, and be in force, for the term of one year, and no longer.

Approved, March 3, 1817.

An Act to amend an act, entitled "An act making further provision for military services during the late war, and for other purposes."

Be it enacted, &c., That the widows and children of soldiers of the militia, the volunteers, the rangers, and the sea-fencibles, who served during the late war, and for whom half-pay for five years was provided, by an act passed on the sixteenth day of April, one thousand eight hundred and sixteen, entitled "An act making further provision for military services during the late war, and for other purposes," shall be placed on an equality as to their annual allowance, that is to say: Such widows, and in case of no widow,

such children as may be embraced in the before-recited act, shall be entitled to receive, (as the half-pay to which they are entitled,) at the rate of forty-eight dollars per annum, and no more; and the widows and children aforesaid, of the officers of the different corps aforesaid, shall be entitled to the half-pay of the officers of the infantry.

SEC. 2. *And be it further enacted,* That the provisions contained in an act, entitled "An act fixing the military peace establishment of the United States," passed on the third of March, one thousand eight hundred and fifteen, granting to the commissioned officers of the regular army, who were deranged by said act, three months' pay in addition to the pay and emoluments to which they were entitled by law at the time of their discharge, shall equally extend to wagon-masters, forage-masters, barrack-masters, and other warrant officers of the staff of the regular army, who were deranged by the before-recited act, except those provisionally retained by the President of the United States.

SEC. 3. *And be it further enacted,* That the further time of two years shall be allowed to the guardians of the minor children of deceased soldiers, to relinquish their claims to bounty lands for five years' half-pay, according to the second section of the before-recited act, to which this is a supplement, passed the sixteenth day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted,* That the widows and children of the non-commissioned officers of the rangers shall be placed on the same footing as to half-pay, for five years, with the widows and children of the infantry.

SEC. 5. *And be it further enacted,* That the provisions of the second section of the act to which this is a supplement, shall be, and the same are hereby, extended to all cases where either of the children therein mentioned shall have been under sixteen years of age at the time of the father's decease: *Provided,* The guardian of such minor children shall, in addition to the relinquishment by said act required, file, in the office of the Department of War, evidence of the assent of all the other heirs, if any there be, of said deceased soldier, or of their guardians, to such relinquishment.

SEC. 6. *And be it further enacted,* That in all cases where the child or children of a regular soldier, deceased, have the right, under the laws of the United States, to relinquish their bounty in land, for five years' half-pay, the said child or children shall be entitled to the same amount as is given by the act to the widows of the militia soldiers who died in service during the late war, viz., four dollars per month.

Approved, March 3, 1817.

An Act supplementary to an act, entitled "An act directing the disposition of money paid into the courts of the United States."

Be it enacted, &c., That it shall be the duty of the judges of the circuit and district courts of the

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United States, within sixty days from and after the passage of this act, in all districts in which a branch of the Bank of the United States is, or shall be, established, to cause and direct all moneys remaining in said courts respectively, or being subject to the order thereof, to be deposited in said branch bank, in the name and to the credit of the court, and a certificate thereof from the cashier of said bank, stating the amount and time of such deposit, to be transmitted, within twenty days thereafter, to the Secretary of the Treasury; and in districts in which no such branch bank is, or shall be established, such deposit shall be made in like manner, and within the same time, in some incorporated State bank, and a certificate thereof, in like manner, and within the said time as aforesaid, transmitted to the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That all moneys which shall hereafter be paid into said courts, or received by the officers thereof, in causes pending therein, shall be immediately deposited in the branch bank within the district, if there be one, otherwise in some incorporated State bank, within the district, in the name and to the credit of the court.

SEC. 3. *And be it further enacted*, That no money, deposited as aforesaid, shall be drawn from said banks, except by order of the judge or judges of said courts respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk, and every such order shall state the cause in, or on account of which, it is drawn.

SEC. 4. *And be it further enacted*, That if any clerk of such court, or other officer thereof, having received any such moneys as aforesaid, shall refuse or neglect to obey the order of such court, for depositing the same as aforesaid, such clerk, or other officer, shall be forthwith proceeded against by attachment for contempt.

SEC. 5. *And be it further enacted*, That at each regular and stated session of said courts, the clerks thereof shall present an account to said court of all moneys remaining therein, or subject to the order thereof, stating particularly on account of what causes said moneys are deposited, which account, and the vouchers thereof, shall be filed in court: *Provided, nevertheless*, That if in any district there shall be no branch of the Bank of the United States, nor any incorporated State bank, the courts may direct such moneys to be deposited, according to their discretion, as heretofore.

Approved, March 3, 1817.

An Act to continue in force an act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the third day of March, one thousand eight hundred and fifteen, and for other purposes.

Be it enacted, &c., That the act entitled "An act further to provide for the collection of duties on imports and tonnage," passed the third day of March, one thousand eight hundred and fifteen,

be, and the same is hereby, continued in force, excepting the sixth and eighth sections thereof.

SEC. 2. *And be it further enacted*, That if any suit or prosecution be commenced in any State court against any collector, naval officer, surveyor, inspector, or any other officer, civil or military, or any other person aiding or assisting, agreeably to the provisions of the act hereby continued in force, or under color thereof, for anything done or omitted to be done, as an officer of the customs, by virtue of said act, or under color thereof, and the defendant shall, at the time of entering his appearance at such State court, file a petition for the removal of the cause for trial at the next circuit court of the United States to be holden in the district where the suit is pending, and offer good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and also for his there appearing at the court and entering special bail in the cause, if special bail was originally required therein; it shall then be the duty of the State court to accept the surety and proceed no further in the cause; and the bail that shall have been originally taken shall be discharged. And such copies being entered as aforesaid in such court of the United States, the cause shall then proceed in the same manner as if it had been brought there by original process, whatever may be the amount of the sum in dispute, or damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding; and any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit was commenced: *Provided, nevertheless*, That this act shall not be understood to apply to any prosecution for an offence involving corporal punishment.

SEC. 3. *And be it further enacted*, That it shall be lawful hereafter for the master, or the person having charge or command of any steamboat on Lake Champlain, when going from the United States into the Province of Lower Canada, to deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board, any law to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That when any goods, wares, or merchandise, shall hereafter be imported from the Province of Lower Canada into the United States, in any steamboat on Lake Champlain, and the said goods, wares, and merchandise, shall have been duly entered, the duties thereon paid, or secured, at the office of the collector of any district adjoining Lake Champlain, it shall be lawful to land such goods, wares, or merchandise, in the same, or any other, district

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adjoining said Lake Champlain, any law to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That, in any action or prosecution against any person as aforesaid, it shall be lawful for such person to plead the general issue, and give this act, and any special matter, in evidence. And if in any suit the plaintiff is non-suit, or judgment pass against him, the defendant shall recover double costs.

SEC. 6. *And be it further enacted*, That this act shall continue in force for the term of four years, from and after the third day of March next, and no longer.

SEC. 7. *And be it further enacted*, That every collector of the customs shall have authority, with the approbation of the Secretary of the Treasury, to employ within his district such number of proper persons, as deputy collectors of the customs, as he shall deem necessary, who are hereby declared to be officers of the customs; and the said deputy collectors, before they enter on the duties of their offices, shall take and subscribe, before the collectors appointing them, or before some magistrate within their respective districts, authorized by law to administer oaths, the following oath or affirmation, to wit: "I, —, having been appointed a deputy collector of the customs, within and for the district of —, do solemnly, sincerely, and truly, swear (or affirm, as the case may be) that I will diligently and faithfully execute the duties of the said office of deputy collector, and will use my best endeavors to prevent and detect frauds and violations against the laws of the United States. I further swear (or affirm) that I will support the Constitution of the United States."

Approved, March 3, 1817.

An Act to amend the act "authorizing the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed the ninth of April, one thousand eight hundred and sixteen.

Be it enacted, &c., That the ninth section of the act, entitled "An act authorizing the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed on the ninth of April, one thousand eight hundred and sixteen, shall be construed to extend only to houses, or other buildings, occupied by an order of an officer or agent of the United States as a place of deposite for military or naval stores, or as barracks for the military forces of the United States; and that, in acting on all claims arising under the aforesaid ninth section, as well those whereon commissions are now returned, and remain undecided, as those on which commissions may be hereafter executed, it shall be the duty of the commissioner, appointed in virtue of the act aforesaid, carefully to examine and investigate the same, and to report the facts in such case to Congress as soon as may be, that such provision may be made for the relief of the respective claimants as shall be deemed just and proper.

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SEC. 2. *And be it further enacted*, That the said commissioner shall, in all cases in which the claim to compensation or indemnity shall exceed the sum of two hundred dollars, award a commission to some one or more discreet commissioners, near the places where the witnesses reside, who shall, before they proceed to act, take an oath, or affirmation, before some officer authorized by law to administer the same, that they will faithfully and impartially execute the duties assigned to them in said commission, to the best of their judgment; and the said commissioner shall accompany said commission with directions as to the examination of witnesses, on oath or affirmation, which the said commissioner, or commissioners, so acting, are hereby authorized to administer; which said commission, when executed, together with the examinations taken in pursuance thereof, shall be enclosed, sealed, and returned by mail to the office of the said commissioner: *Provided, however*, That, in acting on examinations taken by virtue of the act to which this is an amendment, the said commissioner shall be authorized, in all cases where he shall adjudge the facts not to be sufficiently disclosed to allow a just decision between the claimants and the United States, to award a new commission as aforesaid; and, also, in all cases in which the said commissioner shall deem it proper to appoint an agent to act in behalf of the United States, in executing said commissions; and it shall be the duty of the commissioner, or commissioners, taking evidence in any case, to make inquiry whether any evidence may be had which may be favorable to the interest of the United States, and to take such evidence, and transmit the same to the said commissioner, in like manner.

SEC. 3. *And be it further enacted*, That any person, in the late war aforesaid, who has sustained damage by the loss of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss was without any fault or negligence on the part of the owner, shall be allowed and paid the value thereof.

SEC. 4. *And be it further enacted*, That the provisions of this act, and the act to which it is an amendment, shall be, and are hereby, extended to cases of property lost, captured, or destroyed, in the wars with the Indian tribes, subsequent to the eighteenth day of February, and prior to the first day of September, one thousand eight hundred and fifteen, in the same manner as if lost, captured, or destroyed, in the late war with Great Britain.

SEC. 5. *And be it further enacted*, That all claims allowed by said commissioners, of two hundred dollars or upwards, shall be revised by the Secretary of War, on a statement of the facts made to him by the aforesaid commissioner, and may be confirmed or rejected; and the amount

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of all claims allowed by the aforesaid commissioner less than two hundred dollars, and those of two hundred dollars and upwards, if confirmed by the Secretary of War, shall be paid in the manner prescribed in the tenth and fourteenth sections of the act to which this is an amendment.

Approved, March 3, 1817.

An Act authorizing a subscription for the printing of the tenth volume of Public Documents.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized to subscribe for, and receive, for the use and disposal of Congress, five hundred copies of the tenth volume of public documents, proposed to be printed by Thomas B. Wait and Sons. The aforesaid volume to be delivered in strong leather binding, at the Department of State, at the rate of two dollars and a quarter for each five hundred pages contained in the same.

SEC. 2. *And be it further enacted,* That the sum of one thousand five hundred dollars is hereby appropriated for the purpose aforesaid, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act for the relief of certain Officers.

Be it enacted, &c., That the Paymaster General be authorized, and is hereby required, to pay the general staff (the volunteer aids excepted) of the Governor of the Illinois Territory, while in service in the year one thousand eight hundred and twelve; and that to each one be allowed the pay and emoluments of a major of infantry.

Approved, March 3, 1817.

An Act supplementary to "An act for the relief of persons imprisoned for debts due the United States."

Be it enacted, &c., That any person imprisoned upon execution for a debt due to the United States, which he shall be unable to pay, if his case shall be such as does not authorize his discharge by the Secretary of the Treasury, under the powers given him by the act, entitled "An act providing for the relief of persons imprisoned for debts due to the United States," may make application to the President of the United States, and upon proof being made to his satisfaction that such debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, he may order the discharge of such debtor from his imprisonment, and he shall be accordingly discharged, and shall not be liable to be imprisoned again for the same debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may

then, or at any time afterwards, belong to the debtor.

Approved, March 3, 1817.

Resolution for admitting the State of Indiana into the Union.

Whereas, in pursuance of an act of Congress, passed on the nineteenth day of April, one thousand eight hundred and sixteen, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of that State into the Union," the people of the said Territory did, on the twenty-ninth day of June, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity with the principles of the articles of compact between the original States and the people and States in the Territory Northwest of the River Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Indiana shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Approved, December 11, 1816.

Resolution to employ John Trumbull, to compose and execute certain paintings.

Resolved, &c., That the President of the United States be, and he is hereby, authorized to employ John Trumbull, of Connecticut, to compose and execute four paintings commemorative of the most important events of the American Revolution, to be placed, when finished, in the Capitol of the United States.

Approved, February 6, 1817.

Resolution respecting contracts for the Printing for Congress.

Resolved, &c., That the Secretary of the Senate, and the Clerk of the House of Representatives, be directed, in making any future contract for the printing of Congress, to stipulate, and require, that the same, excepting only the bills, or when otherwise specially directed by either House, shall be done in royal octavo form, the size of the pages to be the same as those of the late edition of the laws of the United States; and that when any tables will not admit, with the use of a small type, of compression into that size, they shall be so printed as to fold conveniently into the volume.

Approved, March 3, 1817.